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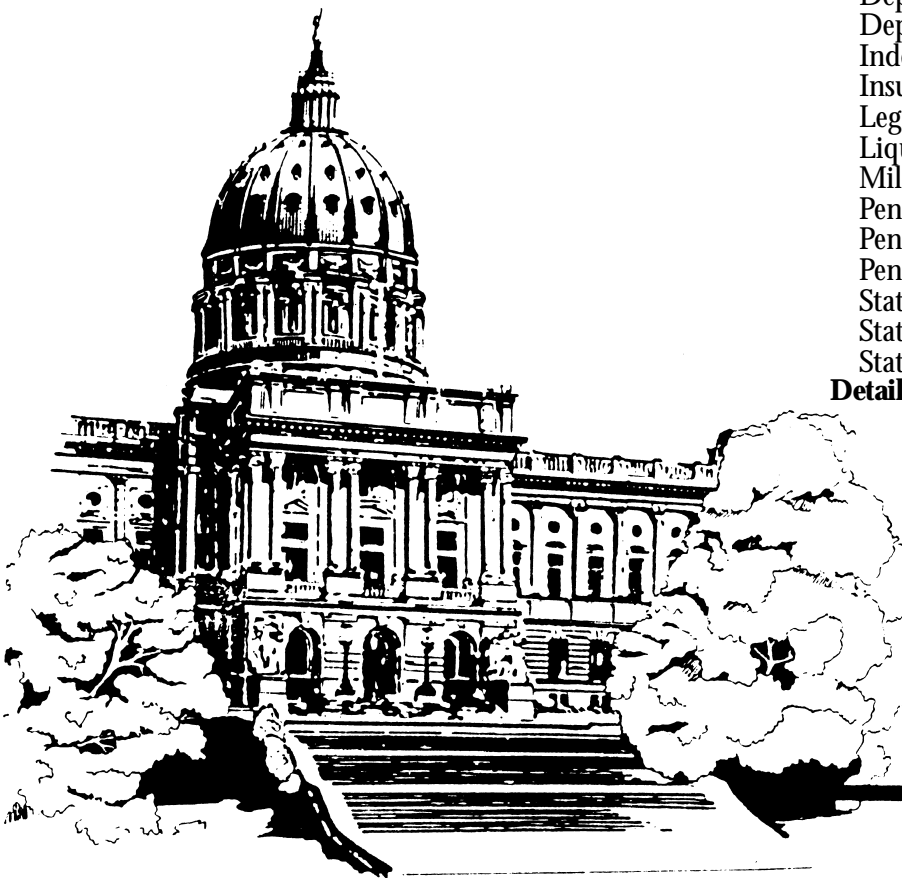
# PENNSYLVANIA BULLETIN

Volume 38  
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The General Assembly  
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Department of Revenue  
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Pennsylvania Gaming Control Board  
Pennsylvania Industrial Development Authority  
Pennsylvania Public Utility Commission  
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State Employees' Retirement Board

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

**No. 407, October 2008**

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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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

#### **Fiscal Notes**

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

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

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## List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2008.

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# THE GOVERNOR

## Title 4—ADMINISTRATION

### PART I. GOVERNOR'S OFFICE

[ 4 PA. CODE CH. 1 ]

[ EXECUTIVE ORDER NO. 2008-06 ]

### Office of Diversity Management

July 29, 2008

*Whereas*, the Commonwealth is committed to creating a culture of inclusion that values and promotes diversity and equal opportunity in all aspects of Commonwealth employment, business, and service;

*Whereas*, diversity and a culture of inclusion generally means to the Commonwealth the presence and participation of individuals from various races, religions, ethnic and national origins, socio-economic backgrounds, genders, abilities, and beliefs;

*Whereas*, Commonwealth offices under the Governor's jurisdiction invest significant resources to create and support diversity efforts;


*Whereas*, historically, the Commonwealth's efforts to recruit, retain, and contract with diverse individuals and businesses have been largely decentralized, lacking a comprehensive enterprise-wide strategic plan;

*Whereas*, an effective enterprise diversity management policy requires coordinated implementation of diversity policies, programs, initiatives, structures, and strategies related to all aspects of Commonwealth work, including employment, procurement, and communications;

*Whereas*, effective strategic diversity management practices will further enhance Commonwealth employee productivity and customer service, nurture the development of employees at all levels, and strengthen the State's economy by increasing the pool of diverse employees, citizens, and businesses; and

*Whereas*, although the Commonwealth has a Chief Diversity Officer, no central coordination of diversity efforts currently exists to govern, evaluate, encourage, and monitor agency diversity planning, investment, and effectiveness. Therefore, it is imperative to establish an Office of Diversity Management to facilitate an effective, coordinated diversity strategy that leverages best practices and resources across Commonwealth agencies.

*Now, Therefore*, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws of the Commonwealth, do hereby establish the Office of Diversity Management, the Governor's Executive Diversity Council, and the Governor's Diversity Planning Council, all as hereinafter set forth, in order to ensure that diversity management strategies and best practices are considered, implemented, and evaluated across Commonwealth agencies.



Governor

**Fiscal Note:** 2008-6. No fiscal impact; (8) recommends adoption.

**Annex A**  
**TITLE 4. ADMINISTRATION**  
**PART I. GOVERNOR'S OFFICE**  
**CHAPTER 1. AGENCY OPERATION AND ORGANIZATION**  
**Subchapter RR. OFFICE OF DIVERSITY MANAGEMENT**

Sec.	
1.521.	Office of Diversity Management.
1.522.	Governor's Executive Diversity Council.
1.523.	Governor's Diversity Planning Council.
1.524.	Relationship with other agencies.
1.525.	Effective date.

**§ 1.521. Office of Diversity Management.**

The Office of Diversity Management (Office) shall be managed by the Chief Diversity Officer, an executive-level position within the Office of Administration, who shall report directly to the Governor or the Governor's designee. The Chief Diversity Officer shall consult with the Governor's Executive Diversity Council on matters related to diversity strategies implementation; advise the Secretary of Administration on matters related to equal employment opportunity, recruitment, placement, retention, and other workforce and workplace-related issues; and advise agencies and offices on procurement and contracting issues, as they may relate to diversity management and planning.

(1) *Responsibilities.* The Office shall create a coordinated Commonwealth-wide, strategic approach to diversity management and:

(i) Develop, design and implement a strategic plan to accomplish the Commonwealth's diversity vision, mission and goals.

(ii) Identify acceptable measures, coordinate and guide diversity efforts, and establish clear direction and expectations for diversity management efforts in this Commonwealth.

(iii) Incorporate diversity management best practices into Commonwealth agency policies, practices, structures, goals and objectives.

(2) *Authority.* Existing policies and practices of agencies under the Governor's jurisdiction shall be subject to the advice, direction and guidance of the Chief Diversity Officer so that they comply with Commonwealth-wide diversity objectives promulgated by the Office. Agencies under the Governor's jurisdiction shall participate in diversity planning, policy development and implementation. The Chief Diversity Officer may appoint, from time to time, ad hoc advisory groups and committees to assist with matters related to diversity management and inclusion, to engage public discussion, or to accomplish the responsibilities of the Office.

**§ 1.522. Governor's Executive Diversity Council.**

(a) *Composition.* The Governor's Executive Diversity Council (Executive Council) consists of the following members, who serve *ex officio*:

- (1) Governor's Chief of Staff.
- (2) Secretary of Administration, who serves as Chairperson of the Council.
- (3) Secretary of Labor and Industry.
- (4) Secretary of Health.
- (5) Secretary of General Services.
- (6) Secretary of Community and Economic Development.
- (7) Director of the Office of Public Liaison.
- (8) Secretary of the Commonwealth.
- (9) Chief Diversity Officer.
- (10) Chairperson of the Board of Probation and Parole.
- (11) Commissioner of the Pennsylvania State Police.
- (12) Governor's General Counsel.

(13) Executive Director of the State Civil Service Commission.

(b) *Responsibilities.* The responsibilities of the Executive Council are to:

(1) Provide guidance, direction and approval to the Office of Diversity Management on enterprise-wide diversity priorities, and to guide the Commonwealth's diversity agenda and strategic plan implementation.

(2) Convene on a regular basis to discuss, approve and prioritize enterprise-wide diversity goals, objectives, strategies and recommendations provided by the Governor's Diversity Planning Council.

**§ 1.523. Governor's Diversity Planning Council.**

(a) *Composition.* The Governor's Diversity Planning Council (Planning Council) consists of the following members, who serve *ex officio*:

(1) Deputy Secretary for Human Resources and Management, Office of Administration.

(2) Deputy Secretary for Procurement, Department of General Services.

(3) Deputy Secretary for Minority and Women's Business Opportunities, Department of General Services.

(4) Executive Director for the Governor's Advisory Commission on African American Affairs.

(5) Executive Director for the Governor's Advisory Commission on Asian American Affairs.

(6) Executive Director for the Governor's Advisory Commission on Latino Affairs.

(7) Executive Director for the Governor's Cabinet for People with Disabilities.

(8) Executive Director for the Pennsylvania Commission for Women.

(9) Director of the Bureau of Equal Employment Opportunity, Office of Administration.

(10) A deputy secretary designated by the Chief Diversity Officer from an agency in each of four practice groups organized around the following: Public Safety; Health and Human Services; Environment; and Government Operations. Practice groups may be organized as presently structured under the Office of Information Technology Keystone Plan or differently as determined by the Chief Diversity Officer to meet agency functions, missions and practices.

(b) *Responsibilities.* The responsibilities of the Planning Council are to:

(1) Conduct meetings on a regular basis to identify critical diversity issues, including those that should be addressed in a comprehensive manner.

(2) Assist the Office of Diversity Management in the development of an enterprise-wide diversity strategic plan and make recommendations to the Chief Diversity Officer for implementation of the plan.

**§ 1.524. Relationship with other agencies.**

Agencies under the Governor's jurisdiction shall cooperate with, and provide assistance and support to, the Office of Diversity Management, the Executive Council and the Planning Council. The Office of Diversity Management may also be directed and appointed by the Governor to participate in certain other commissions, panels, cabinets, and initiatives as deemed appropriate.

**§ 1.525. Effective date.**

This subchapter shall take effect immediately, and remain in effect unless rescinded by the Governor.

[Pa.B. Doc. No. 08-1877. Filed for public inspection October 17, 2008, 9:00 a.m.]

## PART I. GOVERNOR'S OFFICE

## [ 4 PA. CODE CH. 6 ]

## [ EXECUTIVE ORDER NO. 2008-04 ]

**Pennsylvania All-Hazard Incident Management (PA-IMT3)**

May 13, 2008

*Whereas*, all-hazard incidents may overwhelm local resources, leaving citizens of the Commonwealth vulnerable; and

*Whereas*, all-hazard incidents may be caused by natural or manmade disasters as well as planned events; and

*Whereas*, the need to promote and protect the health, safety and welfare of emergency responders, public officials and the general public from actual, or potential, natural or manmade disasters exists in this Commonwealth; and

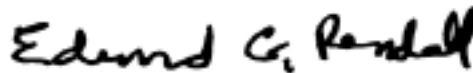
*Whereas*, every agency of government has the responsibility to protect the citizens of this Commonwealth; and

*Whereas*, the National Incident Management System (NIMS) was adopted in Pennsylvania by Governor's Proclamation on December 20, 2004, to provide a consistent nationwide approach for governments to work together effectively and efficiently to prevent, prepare for, respond to and recover from all-hazard incidents; and

*Whereas*, Pennsylvania Act 227 of 2002 authorizes the creation of specialized Statewide response teams; and

*Whereas*, Homeland Security Presidential Directives 5 and 8 require the Commonwealth of Pennsylvania to establish and maintain, at full readiness, an All-Hazard Incident Management Team(s);

*Now, Therefore*, be it resolved that I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby establish an All-Hazard Incident Management Team (PA-IMT3) and order and direct as follows:



Governor

**Fiscal Note:** GOV 08-04. (1) General Fund; (2) Implementing Year 2007-08 is \$210,608; (3) 1st Succeeding Year 2008-09 is \$186,500; 2nd Succeeding Year 2009-10 is \$186,500; 3rd Succeeding Year 2010-11 is \$186,500; 4th Succeeding Year 2011-12 is \$186,500; 5th Succeeding Year 2012-13 is \$186,500; (4) 2005-06 Program—\$0; 2004-05 Program—\$0; 2003-04 Program—\$0; (7) General Government Operations (PEMA); (8) recommends adoption.

**Annex A****TITLE 4. ADMINISTRATION****PART I. GOVERNOR'S OFFICE****CHAPTER 6. ADDITIONAL COUNCILS AND COMMITTEES****Subchapter BB. PENNSYLVANIA ALL-HAZARD INCIDENT MANAGEMENT TEAM (PA-IMT3)**

Sec.

6.351. Pennsylvania All-Hazard Incident Management Team (PA-IMT3).

6.352. PA-IMT3 Interagency Committee.

6.353. Effective date.

**§ 6.351. Pennsylvania All-Hazard Incident Management Team (PA-IMT3).**

(a) There is hereby established the PA-IMT3, an all-hazard incident management team consisting of personnel from different agencies, departments, boards and commissions within the Commonwealth who have trained together to function as a team to manage all-hazard incidents. The PA-IMT3 shall be coordinated by the Pennsylvania Emergency Management Agency and the Office of the State Fire Commissioner. PA-IMT3 members shall be approved by the State Fire Commissioner and the Director of the Pennsylvania Emergency Management Agency.

(b) The Pennsylvania Emergency Management Agency and the Office of the State Fire Commissioner shall be the lead agencies responsible for implementing this subchapter. The Pennsylvania Emergency Management Agency will provide administrative oversight. The Office of the State Fire Commissioner will coordinate operational issues related to the implementation of this subchapter.

(c) Agencies under the Governor's jurisdiction shall:

(1) Fully support the PA-IMT3.

(2) Cooperate with the Pennsylvania Emergency Management Agency and the Office of the State Fire Commissioner by providing personnel, equipment, and technical assistance and information, as necessary, to carry out the functions and responsibilities of the PA-IMT3.

(3) Accommodate their respective PA-IMT3 members' participation in training, drills, exercises, activations and deployments.

(4) Execute a Memorandum of Understanding with the Pennsylvania Emergency Management Agency, which provides the terms under which this subchapter will be implemented.

**§ 6.352. PA-IMT3 Interagency Committee.**

There is hereby established a PA-IMT3 Interagency Committee which shall be advisory in nature and recommend policy and procedures for the PA-IMT3. The Director of the Pennsylvania Emergency Management Agency and the State Fire Commissioner co-chair the PA-IMT3 Interagency Committee. The secretary or head of each of the following agencies or offices shall designate a representative from their agency or office to serve on the PA-IMT3 Interagency Committee:

(1) Governor's Office.

(2) Office of the Budget.

(3) Pennsylvania State Police.

(4) Department of Agriculture.

(5) Department of Conservation and Natural Resources.

(6) Department of Environmental Protection.

(7) Department of General Services.

(8) Department of Health.

(9) Department of Labor and Industry.

(10) Department of Public Welfare.

(11) Department of Transportation.

**§ 6.353. Effective date.**

This subchapter takes effect immediately.

[Pa.B. Doc. No. 08-1878. Filed for public inspection October 17, 2008, 9:00 a.m.]

## PART I. GOVERNOR'S OFFICE

## [ 4 PA. CODE CH. 6 ]

## [ EXECUTIVE ORDER NO. 2008-03 ]

**Pennsylvania Health Information Exchange (PHIX) Governance Structure**

March 26, 2008

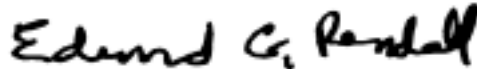
*Whereas*, providing the architecture to support the Statewide use of electronic medical records, electronic prescribing, and interoperable electronic health records will lead to a reduction in preventable medical errors and improved clinical outcomes; and

*Whereas*, the use of a secure Statewide information exchange will offer necessary electronic health information to health care practitioners providing services at the point of care for all patients, improve patient safety, reduce redundant tests and procedures, and lead to a reduction in overall healthcare costs; and

*Whereas*, the technology exists to implement a Statewide health information exchange, which will benefit all Pennsylvanians; and

*Whereas*, the privacy and security of all Pennsylvanian's health information is of paramount importance.

*Now, Therefore*, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws of the Commonwealth, do hereby establish the Pennsylvania Health Information Exchange (PHIX) Governance Structure. By doing so I invest it with the powers to perform the duties and functions set forth herein and its primary purpose will be to advise and counsel me in the development and operation of a Statewide system for improving the access to electronic health information for all Pennsylvania's healthcare providers, payers and patients.



Governor

**Fiscal Note:** 2008-3. No fiscal impact; (8) recommends adoption.

## Annex A

## TITLE 4. ADMINISTRATION

## PART I. GOVERNOR'S OFFICE

## CHAPTER 6. ADDITIONAL COUNCILS AND COMMITTEES

## Subchapter AA. PENNSYLVANIA HEALTH INFORMATION EXCHANGE (PHIX)

- |        |  |
|--------|--|
| Sec.   |  |
| 6.341. | Purpose.                                 |
| 6.342. | PHIX executive office.                   |
| 6.343. | PHIX Advisory Council.                   |
| 6.344. | Health technology advisory organization. |
| 6.345. | Executive agencies.                      |
| 6.345. | Effective date.                          |
| 6.347. | Termination date.                        |

**§ 6.341. Purpose.**

The purpose of the PHIX Governance Structure is to perform activities necessary to develop, implement and manage a Statewide health information exchange and other health information technology initiatives within the Governor's Prescription for Pennsylvania.



**§ 6.342. PHIX Executive Office.**

The PHIX Executive Office will be responsible to direct activities necessary to support the development, implementation and operations of the health information technology initiatives within the Governor's Prescription for Pennsylvania.

(1) *Executive Director.* The PHIX Executive Office shall be managed by an Executive Director who shall report to a Chief Information Officer in the Office of Administration, Office of Information Technology. The PHIX Executive Director, in consultation with the Office of Administration and the Governor's Office of Health Care Reform, shall determine the appropriate staffing levels and necessary infrastructure to develop and support the operation of the PHIX.

(2) *Governor's Office of Health Care Reform.* The Governor's Office of Health Care Reform will provide strategic vision, policy and planning guidance to the PHIX Executive Office with respect to the Statewide development, implementation and operations of a health information exchange and other health information technology initiatives within the Governor's Prescription for Pennsylvania.

**§ 6.343. PHIX Advisory Council.**

A PHIX Advisory Council (Council) shall be established to provide input on strategies, issues and recommendations to the PHIX Executive Director. The Council will initially be comprised of a high-level representative from each of the following agencies and entities, designated by the agency or entity head. Representatives from these and other agencies or entities may be added or removed as deemed necessary by the PHIX Executive Director in consultation with the Governor's Office of Health Care Reform.

(1) Governor's Office of Health Care Reform, who will be the Chairperson of the Council.

(2) Department of Health.

(3) Department of Public Welfare.

(4) Governor's Policy Office.

(5) Governor's Budget Office.

(6) Office of Administration.

(7) Department of Community and Economic Development.

(8) Pennsylvania Employee's Benefit Trust Fund.

(9) Two members appointed by the Pennsylvania State Senate, one appointed by the Majority Leader of the Senate and one appointed by the Minority Leader of the Senate.

(10) Two members appointed by the Pennsylvania House of Representatives, one appointed by the Majority Leader of the House of Representatives and one appointed by the Minority Leader of the House of Representatives.

(11) A representative from each of the following entities or organizations, to be recommended by the board of each organization:

(i) Blue Cross organizations.

(ii) Commercial health care insurer.

(iii) The Hospital and Healthsystem Association of Pennsylvania.

(iv) The Pennsylvania Medical Society.

(v) Pennsylvania PhARMA Task Force.

(vi) Pennsylvania Pharmacists Association.

(vii) Pennsylvania State Nurses Association.

(12) A representative of a consumer or patient advocate group to be appointed by the PHIX Executive Director.

**§ 6.344. Health technology advisory organization.**

The Pennsylvania eHealth Initiative (PAeHI) is recognized as an advisory organization to the PHIX Executive Office and may provide research, analysis and recommendations relative to this Commonwealth's unique needs to ensure the successful implementation of health information technology initiatives. Advisory organizations may be added or removed as deemed necessary by the PHIX Director in consultation with the Governor's Office of Health Care Reform.

**§ 6.345. Executive agencies.**

Agencies under the Governor's jurisdiction shall provide assistance to the PHIX Governance Structure as requested by the PHIX Executive Director or the PHIX Advisory Council.

**§ 6.346. Effective date.**

This subchapter shall take effect immediately.

**§ 6.347. Termination date.**

This subchapter shall remain in effect unless revised or rescinded by the Governor.

[Pa.B. Doc. No. 08-1879. Filed for public inspection October 17, 2008, 9:00 a.m.]

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# THE GENERAL ASSEMBLY

## Recent Actions during the 2008 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during 2008 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
<b>2008 GENERAL ACTS OF REGULAR SESSION ENACTED—ACT 081 through 086</b>					
081	Sep 25	HB0004	PN4329	Immediately*	Judiciary and Judicial Procedure (42 Pa.C.S.) and Law and Justice (44 Pa.C.S.)—omnibus amendments
082	Sep 25	HB0005	PN4111	120 days	Prisoner Transfer Law—transfer of inmates
083	Sep 25	HB0006	PN4192	60 days	Pennsylvania Board of Probation and Parole Law—intent, business of board, powers and duties of board and chairman, supervision of parole and probation, power to parole, commission of crime during parole and victim of offense.
084	Sep 25	HB0007	PN4019	60 days	Removal of certain seriously ill convicts
085	Sep 25	SB0180	PN2304	Immediately	Military and Veterans Code (51 Pa.C.S.)—Burial details and termination of certain health insurance benefits
086	Sep 25	SB1103	PN1427	Immediately	Conveyance—Commonwealth property in City of Philadelphia, Philadelphia County

\* denotes an effective date with exceptions

### Effective Dates of Statutes

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

### Advance Copies of Statutes

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

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

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

[Pa.B. Doc. No. 08-1880. Filed for public inspection October 17, 2008, 9:00 a.m.]

## COMMISSION ON SENTENCING

### Meetings Scheduled

The Commission on Sentencing announces the following public meetings to be held at The Harrisburg Hilton and Towers Hotel, One North Second Street, Harrisburg, PA 17101:

Wednesday October 22, 2008	Dinner/Policy Committee Meeting	6:30—9 p.m.
Thursday October 23, 2008	Quarterly Commission Meeting	9 a.m.

MARK H. BERGSTROM,  
*Executive Director*

[Pa.B. Doc. No. 08-1881. Filed for public inspection October 17, 2008, 9:00 a.m.]

# THE COURTS

## Title 234—RULES OF CRIMINAL PROCEDURE

[ 234 PA. CODE CH. 5 ]

Proposed Amendments to Rule 513, Proposed new Rule 513.1 and Correlative Changes to Rules 504, 540 and 547

### Introduction

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania: (1) amend Rule 513 to provide for the temporary delay in the dissemination of arrest warrant information to the public prior to execution; (2) adopt new Rule 513.1 to provide for the sealing of arrest warrant information; and (3) approve correlative changes to Rules 504, 540 and 547. This Second *Supplemental Report* resulted from the Committee's review of the correspondence received in response to publication of our original explanatory *Report* and first *Supplemental Report*. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory *Supplemental Report* highlights the Committee's considerations in formulating this proposal. Note that the Committee's *Supplemental Report* 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*.

The text of the proposed amendments to Rule 513 and proposed new Rule 513.1 precedes the *Report*. Additions are shown in bold and deletions are in bold and brackets.

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

Anne T. Panfil, Chief Staff Counsel  
Supreme Court of Pennsylvania  
Criminal Procedural Rules Committee  
5035 Ritter Road, Suite 100  
Mechanicsburg, PA 17055  
fax: (717) 795-2106  
e-mail: criminal.rules@pacourts.us

no later than Friday, November 14, 2008.

By the Criminal Procedural  
Rules Committee:

D. PETER JOHNSON,  
*Chair*

### Annex A

#### TITLE 234. RULES OF CRIMINAL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

#### PART B(1). Complaint Procedures

#### Rule 504. Contents of Complaint.

Every complaint shall contain:

\* \* \* \* \*

(11) a verification by the affiant that the facts set forth in the complaint are true and correct to the affiant's personal knowledge, or information and belief, and that any false statements therein are made subject to the penalties of the Crimes Code, 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities; [ **and** ]

(12) the signature of the affiant and the date of the execution of the complaint [ . ]; **and**

**(13) if an order sealing the arrest warrant information pursuant to Rule 513.1 has been approved, a notation by the judge that the case has been sealed.**

\* \* \* \* \*

**Official Note:** Original Rule 104 adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970. New Rule 104 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 132 September 18, 1973, effective January 1, 1974; amended October 22, 1981, effective January 1, 1982; amended November 9, 1984, effective January 2, 1985; amended July 25, 1994, effective January 1, 1995; renumbered Rule 104 and Comment revised August 9, 1994, effective January 1, 1995; renumbered Rule 504 and Comment revised March 1, 2000, effective April 1, 2001; Comment revised March 9, 2006, effective September 1, 2006; amended July 10, 2008, effective February 1, 2009; **amended** , **2008, effective** , **2009.**

*Committee Explanatory Reports:*

\* \* \* \* \*

Final Report explaining the March [ **9** ] **3**, 2006 Comment revision published with the Court's Order at 36 Pa.B. 1385 (March 25, 2006).

Final Report explaining the July 10, 2008 amendments adding new paragraph (9) requiring a notation concerning fingerprinting published with the Court's Order at 38 Pa.B. [ **3975** ] **3971** (July 26, 2008).

**Report explaining the proposed amendments adding paragraph (13) concerning the notation of the sealing of arrest warrant information published at 38 Pa.B. 5752 (October 18, 2008).**

#### Part B(3). Arrest Procedures in Court Cases

##### (a) Arrest Warrants

Rule 513. Requirements for Issuance; **Dissemination of Arrest Warrant Information.**

(A) **For purposes of this rule, "arrest warrant information" is defined as the criminal complaint in cases in which an arrest warrant is issued, the arrest warrant, any affidavit(s) of probable cause, and documents or information related to the case.**

##### (B) ISSUANCE OF ARREST WARRANT

(1) In the discretion of the issuing authority, advanced communication technology may be used to submit a complaint and affidavit(s) for an arrest warrant and to issue an arrest warrant.

[ **(B)** ] (2) No arrest warrant shall issue but upon probable cause supported by one or more affidavits sworn to before the issuing authority in person or using advanced communication technology. The issuing authority, in determining whether probable cause has been established, may not consider any evidence outside the affidavits.

**[ (C) ] (3)** Immediately prior to submitting a complaint and affidavit to an issuing authority using advanced communication technology, the affiant must personally communicate with the issuing authority by any device which, at a minimum, allows for simultaneous audio-visual communication. During the communication, the issuing authority shall verify the identity of the affiant, and orally administer an oath to the affiant.

**[ (D) ] (4)** At any hearing on a motion challenging an arrest warrant, no evidence shall be admissible to establish probable cause for the arrest warrant other than the affidavits provided for in paragraph (B)(2).

**(C) DISSEMINATION OF ARREST WARRANT INFORMATION**

**(1) Delay in Dissemination**

(a) When an arrest warrant is issued following the filing of a complaint, the affiant or the attorney for the Commonwealth may request that the availability of the arrest warrant information for inspection or dissemination be delayed. The arrest warrant affidavit shall include the facts and circumstances that are alleged to establish good cause for delay in inspection and dissemination.

(b) Upon a finding of good cause, the issuing authority shall order that the availability of the arrest warrant information for inspection or dissemination be delayed until the warrant has been executed or for a period of 10 days after the warrant is issued, whichever occurs first.

(c) In those counties in which the attorney for the Commonwealth requires that complaints and arrest warrant affidavits be approved prior to filing as provided in Rule 507, only the attorney for the Commonwealth may request a delay in the inspection or dissemination of the arrest warrant information.

**(2) Extension of Delay in Dissemination of Arrest Warrant Information**

(a) The period of the delay in inspection or dissemination may be extended by a judge of the court of common pleas in the judicial district in which the arrest warrant is issued upon good cause shown by the attorney for the Commonwealth until the warrant has been executed or for a period of not more than 30 days, whichever occurs first, unless the time period is extended as provided in paragraph (c).

(b) The motion requesting an extension shall include a copy of the original order to delay inspection or dissemination, a copy of the arrest warrant information, and an additional affidavit listing the facts and circumstances that are alleged to establish good cause for the continued delay in inspection or dissemination of the arrest warrant information.

(c) Until the warrant is executed, upon motion with additional good cause shown, the judge may grant an unlimited number of extensions of the time that the arrest warrant information shall not be inspected or disseminated. Each extension shall be until the warrant has been executed or for a period of not more than 30 days, whichever occurs first.

**(d) The motion and any record of the hearing on the motion, the order extending the delay in inspection or dissemination of the arrest warrant information, the original order to delay inspection or dissemination, and the arrest warrant information shall not be inspected or disseminated and shall be filed with the clerk of courts in the judicial district in which the arrest warrant is issued.**

**(e) A copy of the order extending the delay of inspection or dissemination of the arrest warrant information promptly shall be provided to the proper issuing authority.**

**(f) Until the order delaying inspection or dissemination of the arrest warrant information and any extensions thereof expires, the clerk of courts and issuing authority shall not make the arrest warrant information available for public inspection and dissemination.**

**Comment**

This rule was amended in 2008 to add provisions concerning the delay in inspection or dissemination of arrest warrant information. Paragraph (A) provides a definition of the term "arrest warrant information" that is used throughout the rule. Paragraph (B) retains the existing requirements for the issuance of arrest warrants. Paragraph (C)(1) establishes the procedures for a temporary delay in the inspection or dissemination of arrest warrant information prior to the execution of the warrant. Paragraph (C)(2) establishes the procedures for extension of the delay in inspection or dissemination of arrest warrant information.

**Issuance of Arrest Warrants**

Paragraph **[ (A) ] (B)(1)** recognizes that an issuing authority either may issue an arrest warrant using advanced communication technology or order that the law enforcement officer appear in person to apply for an arrest warrant.

This rule does not preclude oral testimony before the issuing authority, but it requires that such testimony be reduced to an affidavit prior to issuance of a warrant. All affidavits in support of an application for an arrest warrant must be sworn to before the issuing authority prior to the issuance of the warrant. The language "sworn to before the issuing authority" contemplates, when advanced communication technology is used, that the affiant would not be in the physical presence of the issuing authority. See paragraph **[ (C) ] (B)(3)**.

This rule carries over to the arrest warrant the requirement that the evidence presented to the issuing authority be reduced to writing and sworn to, and that only the writing is subsequently admissible to establish that there was probable cause. In these respects, the procedure is similar to that applicable to search warrants. See Rule 203.

For a discussion of the requirement of probable cause for the issuance of an arrest warrant, see *Commonwealth v. Flowers*, 24 Pa. Super. 198, 369 A.2d 362 (**[ Pa. Super. ]** 1976).

The affidavit requirements of this rule are not intended to apply when an arrest warrant is to be issued for noncompliance with a citation, with a summons, or with a court order.

An affiant seeking the issuance of an arrest warrant, when permitted by the issuing authority, may use advanced communication technology as defined in Rule 103.

When advanced communication technology is used, the issuing authority is required by this rule to (1) determine that the evidence contained in the affidavit(s) establishes probable cause, and (2) verify the identity of the affiant.

The "visual" requirement in paragraph [ (C) ] (B)(3) must allow, at a minimum, the issuing authority to see the affiant at the time the oath is administered and the information received.

Under Rule 540, the defendant receives a copy of the warrant and supporting affidavit at the time of the preliminary arraignment.

***Delay in Dissemination of Arrest Warrant Information***

Paragraph (C) was added in 2008 to address the potential dangers to law enforcement and the general public and the risk of flight when arrest warrant information is disseminated prior to the execution of the arrest warrant. The paragraph provides that the affiant or the attorney for the Commonwealth may request, for good cause shown, the delay in the inspection or dissemination of the arrest warrant information for 10 days or until execution, whichever occurs first. Upon a finding of good cause, the issuing authority must delay the inspection or dissemination.

The initial request for delay in inspection or dissemination is intended to provide a very limited delay in public access to arrest warrant information in those cases in which there is concern that pre-execution disclosure of the existence of the arrest warrant will endanger those serving the warrant or will impel the subject of the warrant to flee. This initial request is intended to be an expedited procedure with the request submitted to an issuing authority.

Once the arrest warrant is executed, or when 10 days have elapsed from the issuance of the warrant and the warrant has not been executed, whichever occurs first, the information must be available for inspection or disseminated unless the period of delay is extended pursuant to paragraph (C)(2).

Recognizing that an extension of the period of delay beyond the initial 10-days impacts on the public's right of access to this information, the extension may only be granted by a judge of the court of common pleas.

When determining whether good cause exists to delay inspection or dissemination of the arrest warrant information, for either the initial request for the delay or for any extension, the issuing authority or judge must consider whether the presumption of openness is rebutted by other interests that include, but are not limited to, whether revealing the information would encourage flight or resistance, the need to protect the safety of police officers executing the warrant, the necessity of preserving the integrity of ongoing criminal inves-

tigations, and the availability of reasonable alternative means to protect the interest threatened by disclosure.

**Magisterial district judges, Philadelphia bail commissioners, and Philadelphia Municipal Court judges do not have authority to extend the delay in inspection or dissemination beyond the initial 10-day period; the request for the delay to be extended must be presented to a judge of the court of common pleas.**

**When the order delaying inspection or dissemination of the arrest warrant information expires, the clerk of courts and the issuing authority must make the arrest warrant information available for inspection and dissemination.**

**Nothing in this rule is intended to limit the dissemination of arrest warrant information to court personnel as needed to perform their duties. Nothing in this rule is intended to limit the dissemination of arrest warrant information to or by law enforcement as needed to perform their duties.**

**Official Note:** Rule 119 adopted April 26, 1979, effective as to arrest warrants issued on or after July 1, 1979; Comment revised August 9, 1994, effective January 1, 1995; renumbered Rule 513 and amended March 1, 2000, effective April 1, 2001; amended May 10, 2002, effective September 1, 2002; amended , 2008, effective , 2009.

*Committee Explanatory Reports:*

\* \* \* \* \*

Report explaining the proposed amendments concerning procedures for delay in dissemination of arrest warrant information published at 37 Pa.B. 4178 (August 4, 2007); *Supplemental Report* explaining the proposed amendments that would provide procedures for delay in dissemination and sealing of arrest warrant information published at 37 Pa.B. 6392 (December 8, 2007); *Second Supplemental Report* explaining the proposed amendments that would provide procedures for delay in dissemination and sealing of arrest warrant information published at 38 Pa.B. 5747 (October 18, 2008).

**Rule 513.1. Sealing of Arrest Warrant.**

(A) For purposes of this rule, "arrest warrant information" is defined as the criminal complaint in cases in which an arrest warrant is issued, the arrest warrant, any affidavit(s) of probable cause, and documents or information related to the case.

(B) At the request of the attorney for the Commonwealth, the arrest warrant information shall be sealed upon good cause shown at the time the complaint is filed or any time thereafter.

(C) Submission to Judge or Justice of Request for Sealed Arrest Warrant.

When the attorney for the Commonwealth intends to request that the arrest warrant information be sealed at the time the complaint is filed, the attorney for the Commonwealth shall present the arrest warrant information to a judge of the court of common pleas or an appellate court justice or judge. The arrest warrant affidavit(s) shall include the facts and circumstances that are alleged to establish good cause for the sealing of the arrest warrant information.

(1) When the judge or justice orders the arrest warrant information sealed, the order shall:

(a) certify that for good cause shown the arrest warrant information is sealed and state the date and time that the sealing of the arrest warrant information shall expire; and

(b) when requested by the attorney for the Commonwealth, specify that the arrest warrant information be released to any law enforcement agency listed in the order.

(2) When the judge or justice issues the sealed arrest warrant, the judge or justice also shall issue an order designating the proper issuing authority before whom the case shall proceed upon execution of the warrant.

(3) When the sealed arrest warrant is issued, the sealed arrest warrant information, the sealing order, and the order designating the proper issuing authority shall be filed with the clerk of courts in the judicial district in which the charges are being filed.

(4) Upon execution of the sealed arrest warrant, the affiant shall file a copy of the sealed arrest warrant information with the proper issuing authority along with copies of the order sealing the arrest warrant information and the order designating the proper issuing authority. Thereafter, the case will proceed before the proper issuing authority.

(D) Submission to Judge or Justice of Request for Sealing of Previously Issued Arrest Warrant.

Any time after the complaint has been filed and the warrant issued, the attorney for the Commonwealth may request that the arrest warrant information be sealed by presenting a copy of the arrest warrant information to a judge of the court of common pleas or an appellate court justice or judge. The attorney also shall present an additional affidavit(s) listing the facts and circumstances that are alleged to establish good cause for the sealing of the arrest warrant information.

(1) When the judge or justice orders the arrest warrant information sealed, the order shall

(a) certify that for good cause shown the arrest warrant information is sealed and state the date and time that the sealing of the arrest warrant information shall expire, and,

(b) when requested by the attorney for the Commonwealth, specify that the arrest warrant information be released to any law enforcement agency listed in the order.

(2) When the order sealing a previously issued arrest warrant is issued, copies of the sealed arrest warrant information and the order shall be filed with the clerk of courts in the judicial district in which the charges are filed. If the sealed arrest warrant was issued for a complaint previously filed with another issuing authority, a copy of the sealed arrest warrant and order shall be filed with the issuing authority of the magisterial district where the complaint was filed. The issuing authority shall ensure that the arrest warrant information remains sealed pursuant to the terms of the judge's order.

(3) Upon execution of the sealed arrest warrant, the affiant shall file a copy of the sealed arrest warrant with the proper issuing authority. Thereafter, the case will proceed before the proper issuing authority.

(E) The arrest warrant information shall be sealed for a period of not more than 60 days, unless the time period is extended as provided in paragraph (E)(1) or (E)(2).

(1) Upon motion of the attorney for the Commonwealth for good cause shown, the justice or judge who sealed the

arrest warrant information shall extend the period of time that the arrest warrant information will remain sealed. If the justice or judge is unavailable, another justice or judge shall be assigned to decide the motion.

(2) Upon motion for good cause shown, the justice or judge shall grant an unlimited number of extensions of the time that the arrest warrant information shall remain sealed. Each extension shall be for a period of not more than 30 days.

(3) If the motion requesting any extension pursuant to paragraphs (E)(1) or (E)(2) is granted, the motion and any record of the hearing on the motion shall be sealed and transmitted with the extension order to the clerk of courts and a copy of the extension order shall be transmitted to the proper issuing authority.

(F) Upon motion of the attorney for the Commonwealth, the justice or judge shall order the arrest warrant information to be unsealed.

(G) Defendant's Access to Sealed Arrest Warrant Information.

(1) After the sealed arrest warrant is executed, a copy of the arrest warrant information shall be given to the defendant at the preliminary arraignment as provided in Rule 540, unless otherwise ordered as provided in paragraph (G)(2).

(2) Upon motion of the attorney for the Commonwealth, the justice or judge who issued the warrant, for good cause shown and after hearing, may delay giving the defendant a copy of the sealed arrest warrant information for periods of not more than 30 days. In no case shall the delay extend beyond the date of the preliminary hearing.

(3) If the justice or judge is unavailable, another justice or judge shall be assigned to decide the motion.

(H) Until the order sealing the arrest warrant information and any extensions thereof expires, the judge and clerk of courts shall not make the arrest warrant information available for public inspection and dissemination.

#### Comment

This rule was adopted in 2008 to codify and further define the practice of temporarily sealing arrest warrants previously recognized in case law such as *Commonwealth v. Fenstermaker*, 515 Pa. 501, 530 A.2d 414 (1987). Unlike existing case law, which only addresses the sealing of arrest warrants after execution, the procedures in this rule apply to all arrest warrants.

Magisterial district judges, bail commissioners, and municipal court judges do not have authority to seal arrest warrant information; the request for the warrant to be sealed must be presented to a judge of the court of common pleas or a justice or judge of an appellate court.

The rule establishes a standard of "good cause" for temporarily sealing the arrest warrant information. When determining whether good cause exists to seal the arrest warrant information, the justice or judge should consider, for example, whether revealing the arrest warrant information would encourage flight or resistance, defeat an ongoing criminal investigation, or endanger an undercover agent or informant. Similarly, when determining whether there is good cause to extend the time that the arrest warrant information is to remain sealed or to delay providing a copy of the arrest warrant information to the defendant, in addition to examining the Commonwealth's need to have the arrest warrant information sealed, the justice or judge should consider any pertinent information about the case, such as whether additional co-defendants

are still at large. The justice or judge should also consider the defendant's need to have the arrest warrant information to prepare his or her case.

The rule assumes that access to a sealed arrest warrant will be severely limited and generally will not be entered onto law enforcement computer systems such as The Commonwealth Law Enforcement Assistance Network (CLEAN) and the National Crime Information Center system (NCIC). However, in order to assist in the execution of the warrant, the attorney for the Commonwealth may request that the sealing order provide that the sealed arrest warrant information may be provided to specified law enforcement agencies.

The initial request to seal usually will occur at the time of the filing of the complaint. However, there may be circumstances in which the initial request to seal is made after the complaint has been filed and the arrest warrant issued. Allowance of this procedure is provided in paragraph (D). However, the requester should recognize that information already may have been released to the public prior to the request. Additionally, the requester may request that the sealing order provide for the withdrawal of the arrest warrant information that may have been added to law enforcement systems, such as CLEAN and NCIC.

Paragraphs (C)(4) and (D)(2) require that the order sealing the arrest warrant information be filed with the proper issuing authority. This is to ensure that the case proceeds with the proper issuing authority for such procedures as the preliminary arraignment.

Under paragraph (E), an order sealing the arrest warrant information is limited in duration to not more than 60 days. Extension of this period may be granted only upon the showing of good cause for the extension. Each extension of the order is limited to no more than 30 days duration.

The judge issuing the order to seal has the discretion to set the appropriate duration of the order and whether there are any conditions for unsealing the order. For example, a judge may order that the arrest warrant information must be unsealed 15 days from issuance or automatically upon execution of the warrant.

Paragraph (F) provides that the attorney for the Commonwealth may move to unseal the arrest warrant information and the judge or justice must order the information unsealed. Ordinarily, this will occur in circumstances in which law enforcement wishes to publicize the existence of a previously sealed warrant in order to obtain public assistance in the apprehension of the defendant. The judge or justice may not deny the motion.

When a sealed copy of the arrest warrant information has been given to the defendant, nothing in this rule is intended to preclude the attorney for the Commonwealth from requesting that the justice or judge issue a protective order to prevent or restrict the defendant from disclosing the arrest warrant or the contents of the affidavit. See Rule 573(F).

Until the order sealing the arrest warrant information terminates, the judge and the clerk of courts shall not make the arrest warrant information available for inspection and dissemination.

**Official Note:** New Rule 513.1 adopted , 2008, effective , 2008.

*Committee Explanatory Reports:*

Report explaining proposed new Rule 513.1 that would provide procedures for sealing of arrest warrant information published at 38 Pa.B. 5752 (October 18, 2008).

**Part D. Proceedings in Court Cases Before Issuing Authorities**

**Rule 540. Preliminary Arraignment.**

\* \* \* \* \*

(F) Unless the preliminary hearing is waived by a defendant who is represented by counsel, the issuing authority shall:

(1) fix a day and hour for a preliminary hearing which shall not be less than 3 nor more than 10 days after the preliminary arraignment, unless:

\* \* \* \* \*

**Comment**

\* \* \* \* \*

Paragraph (C) requires that the defendant receive copies of the arrest warrant and the supporting affidavit(s) at the time of the preliminary arraignment. See also Rules 513(A), 208(A), and 1003. **See Rule 513.1(G) concerning a defendant's access to arrest warrant information that has been sealed.**

Paragraph (C) includes a narrow exception which permits the issuing authority to provide copies of the arrest warrant and supporting affidavit(s) on the first business day after the preliminary arraignment. This exception applies only when copies of the arrest warrant and affidavit(s) are not available at the time the issuing authority conducts the preliminary arraignment, and is intended to address purely practical situations such as the unavailability of a copier at the time of the preliminary arraignment.

**[ Nothing in this rule is intended to address public access to arrest warrant affidavits. See *Commonwealth v. Fenstermaker*, 530 A.2d 414 (Pa. 1987). ]**

**For public access to arrest warrant information, see Rules 513, 513.1, and *Commonwealth v. Fenstermaker*, 530 A.2d 414 (Pa. 1987).**

\* \* \* \* \*

**Official Note:** Original Rule 119 adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970. New Rule 119 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 140 September 18, 1973, effective January 1, 1974; amended April 26, 1979, effective July 1, 1979; amended January 28, 1983, effective July 1, 1983; rescinded August 9, 1994, effective January 1, 1995. New Rule 140 adopted August 9, 1994, effective January 1, 1995; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; the April 1, 1996 effective date extended to July 1, 1996; renumbered Rule 540 and amended March 1, 2000, effective April 1, 2001; amended May 10, 2002, effective September 1, 2002; amended August 24, 2004, effective August 1, 2005; **Comment revised , 2009, effective , 2009.**



*Committee Explanatory Reports:*

\* \* \* \* \*

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. [ 1478 ] 1477 (March 18, 2000).

\* \* \* \* \*

Final Report explaining the August 24, 2004 amendments concerning notice that the case will proceed in defendant's absence published with the Court's Order at 34 Pa.B. [ 5025 ] 5016 (September 11, 2004).

**Report explaining the Comment revisions concerning sealed arrest warrant information published with the Court's Order at 38 Pa.B. 5752 (October 18, 2008).**

**Rule 547. Return of Transcript and Original Papers.**

\* \* \* \* \*

**Comment**

\* \* \* \* \*

**When arrest warrant information has been sealed pursuant to Rule 513.1, the arrest warrant information already will have been filed with the clerk of courts. When the case is transmitted to the court of common pleas, the clerk of courts should merge the transcript and other documents transmitted by the issuing authority with the original file created for the sealing procedure.**

**Official Note:** Formerly Rule 126, adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970; revised January 31, 1970; effective May 1, 1970; renumbered Rule 146 and amended September 18, 1973, effective January 1, 1974; amended October 22, 1982, effective January 1, 1982; amended July 12, 1985, effective January 1, 1986; effective date extended to July 1, 1986; renumbered Rule 547 and amended March 1, 2000, effective April 1, 2001; amended August 24, 2004, effective August 1, 2005; amended May 1, 2007, effective September 4, 2007, and May 1, 2007 Order amended May 15, 2007; amended July 10, 2008, effective February 1, 2009; **Comment revised 2009, effective 2009.**

*Committee Explanatory Reports:*

\* \* \* \* \*

Final Report explaining the May 1, 2007 amendments concerning the request for a bench warrant published with the Court's Order at 37 Pa.B. [ 2503 ] 2496 (June 2, 2007).

**Report explaining the Comment revisions concerning sealed arrest warrant documents published at 38 Pa.B. 5752 (October 18, 2008).**

**SECOND SUPPLEMENTAL REPORT**

*New Pa.R.Crim.P. 513.1, Proposed Amendments to Pa.Rs.Crim.P. 504 and 513, and Comment Revisions to Pa.Crim.P. 540 and 547*

**Delay in Dissemination of Arrest Warrant Information; Sealing of Arrest Warrant Information***Introduction*

The Committee has been examining at some length the question of an issuing authority's obligation to disseminate

arrest warrant information<sup>1</sup> to the public prior to the execution of the arrest warrant. The Committee recognizes the strong tradition and policy in Pennsylvania of maintaining the openness of the courts and court records. At the same time, the Committee recognizes that disclosure of arrest warrant information prior to execution has the potential for injury or loss of life to the executing officers in addition to the possibility of flight on the part of the defendant. This concern has been heightened by the increased level of automation of court records and increased accessibility of this information. As a result, the Committee has been struggling to reach a balance between the interests of safety and public access. Ultimately, the Committee concluded that reasonable limitations on pre-execution disclosure should be put into place, regardless of whether that information is disseminated electronically or was physically available for inspection at the issuing authority's office.

In August 2007, the Committee published for comment a proposal that would have added a procedure for delaying the dissemination of pre-execution arrest warrant information.<sup>2</sup> Based on comments received, the Committee realized that the limited procedure contemplated in the original proposal did not sufficiently address the safety needs that prompted the question nor ensure that the defendant's or the public's right to access were not unduly impinged.

The Committee concluded that the best method of addressing these questions was by the creation of a "two-tiered" system for access to arrest warrant information. As originally conceived, the first tier provided for a limitation on dissemination of the arrest warrant information, requested by the affiant or the attorney for the Commonwealth, for no more than 10 days or until the warrant is executed, whichever is sooner. The second tier, which was based on the sealing of search warrant procedures in Rule 211, could have been used to extend the time under which public access to arrest warrant information is limited or could have been used as a sealing order from the start.

In devising this approach, the Committee concluded that detailing procedures for sealing arrest warrants would have the added benefit of providing definition to a practice currently established only in caselaw, see *Commonwealth v. Fenstermaker*, 515 Pa. 501, 530 A.2d 414 (1987).<sup>3</sup> The Committee determined that, while the authority of a court to seal arrest warrants was generally recognized, gaps exist in the practice. This point is highlighted in *Fenstermaker* that explicitly left open the question of public access to pre-execution arrest warrant information.

The Committee believed then, as it still believes, that judges, practitioners, and the public would benefit from the clarity and uniformity that a detailed rule would provide as to how access to arrest warrant information

<sup>1</sup>"Arrest warrant information" is defined under the proposed amendments as the criminal complaint in cases in which an arrest warrant is issued, the arrest warrant, any affidavit(s) of probable cause, and documents or information related to the case.

<sup>2</sup>The original Report was published at 37 Pa.B. 4178 (August 4, 2007).

<sup>3</sup>In *Fenstermaker*, a newspaper filed a motion for access to the probable cause affidavits for an executed arrest warrant. The Supreme Court of Pennsylvania noted that there were important policy considerations which underlay a general right to public access to court records, such as discouraging perjury, enhancing police and prosecutorial performance, and promoting a public perception of fairness in the arrest warrant process. However, the Court found that the public's right to inspect judicial documents is not absolute and the decision regarding public access to arrest warrant affidavits is best left to the discretion of the court. The remedy the Court supported was to require that affidavits be sealed under a court order, not simply upon the request of one of the parties.

may be restricted and the standards for determining if such restrictions should be granted. This clarity and uniformity would provide law enforcement and prosecutors with the tools to ensure public safety while ensuring that defense and public interests are protected.

In December 2007, the Committee published for comment the revised proposal that contained this approach.<sup>4</sup> The Committee again received a number of insightful comments and, as a result, determined to revise the proposal further.

A few commentators raised concerns that the delay in dissemination procedures as published did not permit the judge to whom a request for delay was addressed any discretion to refuse to grant the delay. They argued that this was contrary to the intent of the holding in *Fenstermacher* that there should be a judicial determination of the sufficiency of good cause to seal an arrest warrant.

While the Committee still considers that the delay in dissemination procedure is not a "sealing" procedure and that *Fenstermacher* specifically excludes pre-execution warrants, the Committee believes that inclusion of a good cause requirement and judicial approval are not incompatible with the underlying principle of the proposal, i.e., an expedited means of temporarily delaying public disclosure to ensure the protection of law enforcement.

Additional concerns were raised regarding the specific procedures to be followed for the execution of sealed arrest warrants, especially with regard to the preliminary arraignment. There were also concerns about whether the rule would unduly restrict dissemination of the warrant information to law enforcement.

The Committee concluded that part of the problem with the proposal as published was that the second portion of the proposal mixed procedures for extending the delay in dissemination with procedures similar to the sealing of search warrants. The Committee determined that the distinction would be clearer if the two concepts, delay in dissemination and sealing, were placed in separate rules. The first would provide a limited delay in public access to arrest warrant information, Rule 513(C)(1) and (C)(2), while the second rule would provide procedures for sealing an arrest warrant in the traditional sense, new Rule 513.1.

### Rule 513

The proposed amendments to Rule 513 contain only a delay in dissemination procedure providing for: (1) an initial 10-day delay by the issuing authority for good cause; and (2) extension of the delay presented to a common pleas judge and based on good cause to justify the extension. This delay in dissemination would be applicable only to the public, while the police and court personnel would have access to the information.

Rule 513 would be reorganized with an initial paragraph (A) containing a definition of "arrest warrant information" and the current text of the rule appearing as paragraph (B), titled "Issuance of Arrest Warrant." Paragraph (C), titled "Dissemination of Arrest Warrant Information," would contain two paragraphs providing procedures for: (1) the initial delay in dissemination; and (2) the extension of the delay of dissemination. The paragraph (C)(1) procedures for the initial delay in dissemination are similar to the Committee's original proposal. An

affiant or attorney for the Commonwealth may request that an issuing authority delay dissemination of arrest warrant information, in any form, to the public for 10 days only or until the warrant is executed, whichever occurs sooner. Under paragraph (C)(2), the delay could be extended by a judge of the court of common pleas for no more than 30 days at a time. The standard for both the initial request for delay and the extension of delay is one of "good cause."

### Rule 513.1

New Rule 513.1, which is based on the procedures for sealing search warrants contained in Rule 211, would provide procedures by which, upon a showing of good cause, a common pleas judge must order the arrest warrant information to be sealed. There are two circumstances in which sealing may be requested under Rule 513.1. Paragraph (C) sets forth the procedures for sealing of the arrest warrant information at the time of the issuance of the arrest warrant. Paragraph (D) provides the procedure to be used for requesting the sealing of an arrest warrant that has already been issued.

The procedures in paragraph (C) would require that the sealing order contain the expiration date of the seal as well as designation of the issuing authority before whom the defendant should be brought upon execution of the warrant.

Originally, the Committee preferred that the rules provide that the common pleas judge would issue only the sealing order and that the police would then file the order, complaint, and probable cause affidavit with the proper issuing authority. However, the Committee concluded that a more realistic procedure is to provide that most of the initial procedures/paperwork in a sealed case should remain at the common pleas court, at least until execution of the arrest warrant. The Committee envisions that the general course of the case, once the common pleas judge orders the sealing, will be that the arrest warrant information will be filed in the clerk of courts' office as a miscellaneous docket case. When the warrant is executed, the attorney for the Commonwealth or the police officer take copies of all the original filings to the issuing authority designated in the sealing order, and, thereafter, the case will proceed as any other case before the issuing authority and, if it is held for court, it will be merged with the miscellaneous case previously filed in the clerk of courts' office.

The Committee also believes that the concept of sealing should be very restrictive, even with regard to entry of the warrant information onto the various law enforcement systems such as CLEAN and NCIC. Paragraph (C)(1)(b) therefore places the burden on the attorney for the Commonwealth, if he or she wants the information releasable to law enforcement, to specifically request that the sealing order permit this availability.

The procedures under paragraph (D) would mirror those in paragraph (C) to a great extent. In proposing this procedure, the Committee accepts that there may be cases in which a later "pulling back" of the arrest warrant information would be beneficial. It should be understood, however, that under this procedure, because the warrant already has been issued without restrictions, the information would have been available to the public.

<sup>4</sup> This *Supplemental Report* was published at 37 Pa.B. 6395 (December 8, 2007).

The standard for sealing the arrest warrant information also is one of good cause. The Comment provides direction on the application of this standard to requests to seal the arrest warrant information and it utilizes language taken from *Fenstermacher*.

Rule 513.1(G) recognizes the defendant's access to the sealed arrest warrant information may be limited in exceptional circumstances even after execution and preliminary arraignment. The paragraph provides that, upon a further finding of good cause, the defendant may be denied access to the arrest warrant information for a period of no more than thirty days or the date of the preliminary hearing.

#### **Correlative Changes**

The Committee is also proposing that Rule 504 (Contents of the Complaint) be amended to include the requirement that the complaint contain a notation indicating that the arrest warrant information had been sealed. In addition, the Comments to Rules 540 (Preliminary Arraignments) and 547 (Return of Transcript and Original Papers) would be revised to include cross-references to new Rule 513.1.

[Pa.B. Doc. No. 08-1882. Filed for public inspection October 17, 2008, 9:00 a.m.]

## **DISCIPLINARY BOARD OF THE SUPREME COURT**

### **Notice of Hearing**

A Petition for Reinstatement to the active practice of law has been filed by Mark Allan Kovler and will be the subject of a hearing on November 3, 2008, before a hearing committee designated by the Board. Anyone wishing to be heard in reference to this matter should contact the District III Office of the Disciplinary Board of the Supreme Court of Pennsylvania, 2nd Floor, Two Lemoyne Drive, Lemoyne, PA 19042, (717) 731-7083, on or before October 24, 2008. In accordance with Board Rule § 89.274(b), since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 08-1883. Filed for public inspection October 17, 2008, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 101—GENERAL ASSEMBLY

### LEGISLATIVE REFERENCE BUREAU

[ 101 PA. CODE CH. 31 ]

#### Right-to-Know Law

The Legislative Reference Bureau, under section 504(a) of the Right-to-Know Law, as enacted February 14, 2008 (P. L. 6, 14, No. 3) (65 P. S. § 67.504(a)) *Purdons Pennsylvania Legislative Service*, No. 1 (2008), proposes to add 101 Pa. Code Chapter 31 (relating to Right-to-Know Law) as set forth in Annex A.

#### Public Comments

Interested parties are invited to submit written comments, objections or suggestions about the proposed statement of policy to Open-Records Officer, Legislative Reference Bureau, Room 641, Main Capitol Building, Harrisburg, PA 17120-0033, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

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

**Fiscal Note:** 150-1. No fiscal impact; (8) recommends adoption.

#### Annex A

### TITLE 101. GENERAL ASSEMBLY

#### PART I. LEGISLATIVE REFERENCE BUREAU

##### Subpart E. STATEMENTS OF POLICY

#### CHAPTER 31. RIGHT-TO-KNOW LAW

#### Subch.

- A. PRELIMINARY PROVISIONS
- B. OPEN RECORDS PROCEDURES OF THE BUREAU
- C. APPELLATE PROCEDURE

#### Subchapter A. PRELIMINARY PROVISIONS

- |       |                        |
|-------|------------------------|
| Sec.  |                        |
| 31.1. | Definitions.           |
| 31.2. | Open-records officers. |
| 31.3. | Cooperation.           |

#### § 31.1. Definitions.

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

*Appeals officer*—The individual responsible, under section 503(c)(1) of the law (65 P. S. § 67.503(c)(1)), for appeals from determinations of an open-records officer.

*Bureau*—The Legislative Reference Bureau.

*Law*—The Right-to-Know Law (65 P. S. §§ 67.101—67.3104).

*Legislative agency*—Any of the following:

- (i) The Senate.
- (ii) The House of Representatives.
- (iii) The Bureau.
- (iv) The Capitol Preservation Committee.
- (v) The Center for Rural Pennsylvania.
- (vi) The Joint Legislative Air and Water Pollution Control and Conservation Committee.

- (vii) The Joint State Government Commission.
- (viii) The Legislative Budget and Finance Committee.
- (ix) The Legislative Data Processing Committee.
- (x) The Independent Regulatory Review Commission.
- (xi) The Local Government Commission.
- (xii) The Pennsylvania Commission on Sentencing.
- (xiii) The Legislative Reapportionment Commission.
- (xiv) The Legislative Office for Research Liaison.
- (xv) The Legislative Audit Advisory Commission.

*Legislative service agency record*—A legislative record of a legislative service agency.

*Legislative record*—As defined in section 102 of the law (65 P. S. § 67.102).

*Legislative service agency*—A legislative agency other than the Senate or the House of Representatives.

*Mass request*—A number of requests under the law to which all of the following apply:

- (i) Each request is for the same legislative record.
- (ii) Each request is to the same legislative service agency.
- (iii) The number exceeds the daily average number of requests to the legislative service agency by at least 200%.
- (iv) The requests are substantially identical in format and language.
- (v) The open-records officer is able to trace the requests to a common source.

*Nonadjudicative legislative service agency*—A legislative service agency other than the Bureau or the Legislative Reapportionment Commission.

*Office of Open Records*—The Office of Open Records established in section 1310 of the law (65 P. S. § 67.1310).

*Open-records officer*—The individual responsible for access to the information of a legislative service agency under section 502(a)(2) of the law (65 P. S. § 67.502(a)(2)).

*Requester*—A person that makes a request for information from a legislative service agency under the law.

#### § 31.2. Open-records officers.

##### (a) Designation.

(1) Under section 502(a)(2) of the law (65 P. S. § 67.502(a)(2)), the Bureau will coordinate with each nonadjudicative legislative service agency to do one of the following:

(i) Accept the nonadjudicative legislative service agency's designation of the open-records officer.

(ii) Designate the head of the nonadjudicative legislative service agency as the open-records officer.

(2) The designations under paragraph (1) are as follows:

(i) The Bureau's designation is set forth in § 31.12 (relating to contact information).

(ii) The Capitol Preservation Committee:

Open-Records Officer  
Capitol Preservation Committee  
Room 630, Main Capitol Building  
Harrisburg, PA 17120  
Fax: (717) 772-0742  
E-mail: rtkrequest@cpc.state.pa.us

(iii) The Center for Rural Pennsylvania:

Open-Records Officer  
Center for Rural Pennsylvania  
200 North Third Street, Suite 600  
Harrisburg, PA 17101-1518  
Fax: (717) 772-3587  
E-mail: denkb@ruralpa.org

(iv) The Joint Legislative Air and Water Pollution Control and Conservation Committee:

Open-Records Officer  
Joint Legislative Air and Water Pollution Control and Conservation Committee  
PA House of Representatives  
Box 202254  
Harrisburg, PA 17120  
Fax: (717) 772-3836  
E-mail: cbrooks@jcc.legis.state.pa.us

(v) The Joint State Government Commission:

Open-Records Officer  
Joint State Government Commission  
108 Finance Building  
Harrisburg, PA 17120  
Fax: (717) 783-9380  
E-mail: jntst02@legis.state.pa.us

(vi) The Legislative Budget and Finance Committee:

Open-Records Officer  
Legislative Budget and Finance Committee  
400 Finance Building  
P. O. Box 8737  
Harrisburg, PA 17105-8737  
Fax: (717) 787-5487  
E-mail: openrecords@lbfc.legis.state.pa.us

(vii) The Legislative Data Processing Committee:

Open-Records Officer  
Legislative Data Processing Center  
G-27 North Office Building  
Harrisburg, PA 17120  
Fax: (717) 772-1652  
Email: ldpc@palegislature.us

(viii) The Independent Regulatory Review Commission:

Open-Records Officer  
Independent Regulatory Review Commission  
14th Floor Harrisstown 2  
333 Market Street  
Harrisburg, PA 17101  
Fax: (717) 783-2664  
E-mail: irrc@irrc.state.pa.us

(ix) The Local Government Commission:

Open-Records Officer  
Local Government Commission  
Senate Box 203078  
Harrisburg, PA 17120-3078  
Fax: (717) 772-4524  
E-mail: mgasbarre@palegislature.us

(x) The Pennsylvania Commission on Sentencing:

Open-Records Officer  
Pennsylvania Commission on Sentencing  
P. O. Box 1200  
State College, PA 16804-1200  
Fax: (814) 863-2129  
E-mail: mhb105@psu.edu

(xi) The Legislative Office for Research Liaison:

Open-Records Officer  
Legislative Office for Research Liaison  
P. O. Box 202218  
Harrisburg, PA 17120-2218  
Fax: (717) 783-3485  
E-mail: LORLRTK@legis.state.pa.us

(xii) The Legislative Audit Advisory Commission:

Open-Records Officer  
Legislative Audit Advisory Commission  
Room 105, East Wing Capitol Building  
Harrisburg, PA 17120  
Fax: (717) 780-4754  
E-mail: repjoshshapiro@pahouse.net

(3) The designation for the Legislative Reapportionment Commission will be made by August 31 in the year in which the Legislative Reapportionment Commission convenes.

(b) *Notice.* As soon as possible after the designation under subsection (a)(2) and (3), the Bureau will publish the designations in the *Pennsylvania Bulletin*.

### § 31.3. Cooperation.

The Bureau will assist nonadjudicative legislative service agencies with all of the following:

- (1) Request entries under section 502(b)(2)(i) of the law (65 P. S. § 67.502(b)(2)(i)).
- (2) Time periods under section 502(b)(2)(ii) of the law.
- (3) Interim responses under section 502(b)(1) of the law.
- (4) Final responses under section 502(b)(1) of the law.
- (5) Dispositions under section 502(b)(2)(iii) of the law.
- (6) Implementation of Subchapter C (relating to appellate procedure).

### Subchapter B. OPEN RECORDS PROCEDURES OF THE BUREAU

Sec.	
31.11.	Hours of access.
31.12.	Contact information.
31.13.	Request format.
31.14.	Referral.
31.15.	Processing.
31.16.	Mass requests.
31.17.	Fee schedule.

### § 31.11. Hours of access.

The Right-To-Know Office of the Bureau will be open from 8:45 a.m. to 4:45 p.m. Monday through Friday except for official State and Federal holidays and other days the Bureau is closed by direction of the Bureau Director. The Right-To-Know Office will not be open during other hours that the Legislative Reference Bureau is open for legislative session business.

### § 31.12. Contact information.

Right to Know requests must be sent to:

Open-Records Officer  
Legislative Reference Bureau  
Room 641, Main Capitol Building  
Harrisburg, PA 17120-0033  
Fax: (717) 783-2396  
Email: lrbrighttoknow@palrb.net

### § 31.13. Request format.

Requests must be made in writing, must be clearly marked as a right-to-know request and must be submitted in person or by mail, email or facsimile in one of the following manners:

- (1) On a form prescribed by the Bureau.
- (2) In a manner so that material requested describes records requested with specificity.

**§ 31.14. Referral.**

(a) *Scope.* The Bureau will forward a request for a legislative service agency record not generated by the Bureau to the appropriate legislative service agency.

(b) *Status.* Forwarding a request under subsection (a) does not constitute a deemed denial under section 901 of the law (65 P. S. § 67.901).

**§ 31.15. Processing.**

Subject to § 31.16 (relating to mass requests), the Bureau will process a request for any of the following legislative service agency records generated by the Bureau:

- (1) A financial record.
- (2) A bill or resolution that has been introduced, including resolutions to adopt or amend the rules of a chamber.
- (3) The minutes of, record of attendance of members at and all recorded votes taken in a meeting of the Joint Committee on Documents.
- (4) The transcript of a public hearing when available.
- (5) Any administrative staff manuals or written policies.
- (6) Final or annual reports required by law to be submitted to the General Assembly.
- (7) A record communicating to the appointing authority the resignation of a legislative appointee.
- (8) Proposed regulations, final-form regulations and final-omitted regulations submitted to a legislative agency. This paragraph is subject to 45 Pa.C.S. § 722(b) (relating to deposit of documents required) and 1 Pa. Code § 13.55 (relating to filing for public inspection).

**§ 31.16. Mass requests.**

If the open-records officer determines that a mass request places an unreasonable burden on the Bureau, in an analogous manner to that described in section 506(a)(1) of the law (65 P. S. § 67.506(a)(1)) for multiple requests by the same requester, the following apply:

- (1) The open-records officer will respond to the common source identified by the open-records officer; respond to individual requests submitted in writing; and, if the request is granted, will make the legislative record accessible at the Bureau.
- (2) If the mass request is in electronic format, each requester will be informed of the action under paragraph (1).

**§ 31.17. Fee schedule.**

(a) *General rule.* Except as set forth in subsection (b), the following apply:

- (1) The fee for providing a document is \$.25 per page.
- (2) The fee for postage will not exceed actual mailing costs.
- (3) The fee for certifying a document is \$5 per document, regardless of the number of pages. Each document requires separate certification and fee.
- (4) The fee for redaction of a document is \$1 per page.

(b) *Exception.* If the Office of Open Records charges a fee for providing a document of less than the amount set forth in subsection (a), the Bureau will charge the fee charged by the Office of Open Records.

(c) *Payment.*

(1) Except as set forth in paragraph (2), payment arrangements shall be made between the requester and the open-records officer.

(2) Under section 1307(h) of the law (65 P. S. § 67.1307(h)), if the total fee exceeds \$100, payment must be made prior to the initiation of the providing the document. If prepayment is required, a check, certified check or money order shall be made payable to "Commonwealth of Pennsylvania" in the total amount of the fee.

**Subchapter C. APPELLATE PROCEDURE**

Sec.	
31.21.	Administrative Agency Law.
31.22.	Appeals officer.
31.23.	Parties.

**§ 31.21. Administrative Agency Law.**

(a) *Authority.* This section constitutes the adoption of practice and procedure provisions under section 1309 of the law (65 P. S. § 67.1309).

(b) *Adoption.*

(1) Except as set forth in subsection (c), the provisions of 2 Pa.C.S. Chapter 5, Subchapter A and Chapter 7, Subchapter A (relating to Administrative Agency Law) apply to appeals under this subchapter.

(2) This subsection applies notwithstanding 2 Pa.C.S. § 501(a) (relating to scope of subchapter).

(c) *Exceptions.*

(1) Testimony will be recorded, and a transcript will only be produced if there is an appeal under section 1301(a) of the law (65 P. S. § 67.1301(a)). This paragraph applies notwithstanding 2 Pa.C.S. § 504 (relating to hearing and record).

(2) The provisions of 2 Pa.C.S. § 508 (relating to notice to Department of Justice) do not apply.

**§ 31.22. Appeals officer.**

(a) *Status.* Under section 503(c)(1) of the law (65 P. S. § 67.503(c)(1)), the following apply:

(1) Except as set forth in paragraph (2), the Bureau will provide appeals officers for appeals from all legislative service agencies.

(2) For an appeal from a denial by the open-records officer of the Bureau, the Bureau will arrange with a nonadjudicative legislative service agency to provide an appeals officer.

(b) *Requirements.*

(1) The appeals officer must be an attorney at law.

(2) Except as set forth in paragraph (3), the appeals officer may be an employee of or an individual under contract with one of the following:

- (i) The Bureau for an appeal under subsection (a)(1).
- (ii) The nonadjudicative legislative agency for an appeal under subsection (a)(2).

(3) The appeals officer will be an individual under contract with the Bureau for an appeal from a denial by the open-records officer of the Legislative Reapportionment Commission.

**§ 31.23. Parties.**

(a) *Original.*

(1) Under section 1101(a)(1) of the law (65 P. S. § 67.1101(a)(1)), an appeal may be made by a requester with respect to any of the following:

- (i) A request denied under section 903 of the law (65 P. S. § 67.903).

(ii) A request deemed denied under section 901 of the law (65 P. S. § 67.901).

(2) Under section 1101(c) of the law, a party with a direct interest in the information subject to the appeal may intervene in the appeal.

(b) *Procedure.*

(1) A party under subsection (a) must file two copies of the appeal or petition to intervene with the Bureau. The copies must be in writing. Electronic filing is not permitted. For an appeal under subsection (a)(1)(i), the appeal or petition must refer to any disputed factual or legal matter in the denial under section 903 of the law.

(2) Upon receipt of the filing under paragraph (1), the Bureau will send a copy to the open-records officer whose denial or deemed denial is being appealed.

(3) The appeals officer may schedule an informal conference with the parties to attempt to resolve the matter.

(c) *Submission on documents.* Except as set forth in subsection (d), the appeal will be resolved under section 1102(b)(1) of the law (65 P. S. § 67.1102(b)(1)), based on the following:

(1) The appeal under section 1101(a)(1) of the law.

(2) The denial under section 903 of the law.

(d) *Hearing.*

(1) A hearing will be held on an appeal only if any of the following apply:

(i) The appeal is of a deemed denial under section 901 of the law.

(ii) The requester alleges willful misconduct under section 1304(a)(1) of the law (65 P. S. § 67.1304(a)(1)).

(iii) In the denial, the open-records officer rules that the request is frivolous under section 1304(b) of the law.

(iv) The appeals officer determines that there is good cause for a hearing.

(2) Under section 1102(b)(2) of the law, a hearing is subject to 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

(e) *Determination.* Under section 1102(a)(4) of the law, the appeals officer will issue a final determination. The final determination will consist of the following:

(1) *Title.* Identification of the requester and the legislative agency.

(2) *Procedural history.*

(i) *Recital.* A brief recital of the facts up to disposition by the open-records officer.

(ii) *The disposition by the open-records officer.* This subparagraph includes a denial under section 903 of the law and a deemed denial under section 901 of the law.

(3) *Factual findings.* Resolution of disputed facts.

(4) *Legal conclusions.* Includes cited authority.

(5) *Order.* An order affirming the denial or granting the request, in whole or in part. An order under this paragraph is subject to judicial review under Chapter 13 of the law (65 P. S. §§ 67.1301—67.1310).

[Pa.B. Doc. No. 08-1884. Filed for public inspection October 17, 2008, 9:00 a.m.]

## Title 58—RECREATION

### PENNSYLVANIA GAMING CONTROL BOARD

[Correction]

[ 58 PA. CODE CHS. 401a, 435a, 439a, 441a, 461a, 461b, 463a, 465a, 503a AND 511a ]

**Preliminary Provisions; Employees; Junket Enterprises; Slot Machine Licenses; Slot Machine Testing and Control; Technical Standards; Possession of Slot Machines; Accounting and Internal Controls; and Self-Exclusion and Persons Required to be Excluded**

An error occurred in the document which amended § 511a.8(d)(1) (relating to duties of slot machine licensees), which appeared at 38 Pa.B. 5652, 5664 (October 11, 2008). The correct version of § 511a.8 is as follows:

#### Annex A

#### TITLE 58. RECREATION

#### PART VII. GAMING CONTROL BOARD

#### Subpart J. EXCLUSION OF PERSONS

#### CHAPTER 511a. PERSONS REQUIRED TO BE EXCLUDED

#### § 511a.8. Duties of slot machine licensees.

(a) Slot machine licensees shall establish procedures that are designed to prevent violations of this chapter and submit a copy of the procedures to the Director of OCPG 30 days prior to initiation of gaming activities at the licensed facility. A slot machine licensee will be notified in writing of any deficiencies in the plan and may submit revisions to the plan to the Director of OCPG. The slot machine licensee may not commence operations until the Director of OCPG approves its procedures. Amendments to these procedures must be submitted to and approved by the Director of OCPG prior to implementation.

(b) A slot machine licensee shall have the responsibility to distribute copies of the exclusion list to the appropriate employees. Additions, deletions or other updates to the list shall be distributed by a slot machine licensee to its employees within 2 business days of the slot machine licensee's receipt of the updates from the Board.

(c) A slot machine licensee shall exclude or eject the following persons from its licensed facility:

(1) An excluded person.

(2) A person known to the slot machine licensee to satisfy the criteria for exclusion in section 1514 of the act (relating to regulation requiring exclusion of certain persons) and § 511a.3 (relating to criteria for exclusion).

(d) If an excluded person enters, attempts to enter, or is in a licensed facility and is recognized by employees of the slot machine licensee, the slot machine licensee shall:

(1) Immediately notify the casino compliance representatives at the licensed facility.

(2) Notify the Director of OCPG in writing within 24 hours.

(e) It shall be the continuing duty of a slot machine licensee to inform the Bureau, in writing, of the names of persons the slot machine licensee believes are appropriate for placement on the exclusion list or a person who has been excluded or ejected under subsection (c)(2) and the reason for placement on the exclusion list.

[Pa.B. Doc. No. 08-1845. Filed for public inspection October 10, 2008, 9:00 a.m.]

# PROPOSED RULEMAKING

## STATE BOARD OF BARBER EXAMINERS

[ 49 PA. CODE CH. 3 ]

### Student Records and Curriculum

The State Board of Barber Examiners (Board) proposes to add § 3.71a (relating to notification) and to amend §§ 3.72, 3.87, 3.90 and 3.103, pertaining to student records in barbershops and barber schools, to read as set forth in Annex A.

#### A. *Effective Date*

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

#### B. *Statutory Authority*

The proposed rulemaking is authorized under section 15-A.4(b) of the act of June 19, 1931 (P. L. 589, No. 202) (63 P. S. § 566.4(b)), known as the Barbers' License Law (act).

#### C. *Background and Purpose*

Under section 3(a) of the act (63 P. S. § 553(a)), prior to taking the barber's license examination, an applicant is required to have completed a barbering study and training period of at least 1,250 hours in not less than 9 months in either a licensed barbershop under the instruction of a licensed teacher or a licensed manager-barber, or in a licensed barber school under the instruction of a licensed teacher. Section 5 of the act (63 P. S. § 555) requires barbershops and barber schools to keep a daily record of the attendance of each student. The Board's existing regulations require barbershops and barber schools to maintain student records for inspection by the Board. As of May 23, 2008, there were 20 barber schools in this Commonwealth as compared to 2,744 barbershops. Currently, the Board is not notified that a student is training in a barbershop. Due to the large number of barbershops, it is not feasible for the Board to inspect all of those shops to determine whether a student is training in a shop at any given point in time. If the Board cannot determine whether a student is training in a shop, then the Board cannot ensure that the shop is keeping proper records and that either a barber-manager or barber-teacher is instructing the student. To remedy this situation, the proposed rulemaking would require the shop owner or the shop owner's designee to notify the Board, on a form provided by the Board, of each student to be trained in the shop before the student begins training. It would also make it clear that the shop owner is responsible for ensuring that the Board is properly notified of each student to be trained in the shop and for maintaining all student records in a file available for inspection.

Section 5 of the act was amended on June 28, 2002, to eliminate the requirement for barbershops and barber schools to keep a record of blood test results. Currently, §§ 3.72(a) and 3.87(a) (relating to student's records) require barbershops and barber schools to keep a student's blood test results on file. The proposed rulemaking would delete this requirement to be consistent with the amendments to the act.

Currently, § 3.72(b) requires a manager-barber or barber-teacher who is training a student in a barbershop to keep quarterly reports of the hours earned by the

student. Likewise, § 3.87(b) requires barber schools to keep quarterly reports of the hours earned by the student. It is not feasible for the Board to inspect every barbershop and barber school on a quarterly basis to determine whether they are maintaining the quarterly hours as required. Therefore, to ensure that barbershops and barber schools are maintaining the quarterly hours as required, the proposed rulemaking would require barbershops and barber schools to submit quarterly reports to the Board of the hours earned by each student. In addition, barbershops and barber schools are currently required to maintain student records for a 5-year period and to forward the student's file to the Board if the shop or school closes within the 5-year period. Situations have arisen in which a barbershop or barber school has closed without forwarding its records to the Board, in which case some students have been unable to document that they had completed the training period required to take the barber's license examination. The proposed requirement that barbershops and barber schools submit quarterly reports of student hours to the Board would assure that students would not be adversely affected if a barbershop or barber school failed to preserve its records for a 5-year period as required.

On December 22, 2005, section 12(b) of the act (63 P. S. § 562(b)), was amended to delete the requirement that class and instruction hours in barber schools have to be at 7 but not more than 8 hours per day. Consistent with this statutory amendment, the proposed rulemaking would remove the same language that was deleted from the act. In its current form, § 3.90 (relating to student curriculum) does not address part-time work by students. Proposed amendments to § 3.90 would provide for part-time study by permitting a student to earn credit for the number of hours per day that the student is in attendance, up to a maximum of 8 hours of credit per day and 40 hours of credit per week. By permitting part-time study in barber schools, students who cannot attend barber school on a full-time basis will still have the opportunity to become barbers. In addition, the proposed rulemaking would delete the requirement that each student shall have the opportunity to devote at least 5 hours per day (out of the 7 to 8 previously required) to practical work and replaces it with the requirement that each student have the opportunity to devote at least 60% of class time to practical work.

The Board's current regulations provide that a student may request a transfer of credits for hours or months of study between a barbershop and a barber school if the student passes a test that is based on the number of hours attended and the subjects pursued and the test is devised by the shop or school to place him in the appropriate courses. However, they do not specify whether credits can be transferred from out-of-State barbershops and barber schools, nor do they provide for transfers of credits between barbershops. The proposed amendments would clarify that credits can be transferred between a barbershop and a barber school, or between barbershops, whether the barbershop or barber school is in-State or out-of-State.

Finally, the proposed rulemaking would add a fee of \$30 for certification of student status or student training hours. This fee will cover the administrative cost of providing the certification upon request.



#### D. Description of Proposed Amendments

The proposed rulemaking proposes to add § 3.71a (relating to notification) to require the barbershop owner or shop owner's designee to notify the Board of students to be trained in a barbershop before the student begins training, so that the Board can keep track of students training in barbershops and ensure that they are properly trained and supervised. The proposed rulemaking would make it clear that the shop owner is responsible for ensuring that proper notification is provided to the Board.

The proposed rulemaking proposes to amend §§ 3.72 and 3.87 to require barbershops and barber schools, respectively, to submit quarterly reports of student hours to the Board so that the Board can ensure that the quarterly reports required under these sections are being properly kept and so that the Board will have a record of student hours in the event that barbershops and barber schools fail to preserve their records as required under these sections. The proposed rulemaking also proposes to amend § 3.72 to clarify that the barbershop owner is responsible for keeping a student's records in a file.

The proposed rulemaking would also amend §§ 3.72 and 3.87 to delete the requirement for barbershops and barber schools, respectively, to keep a student's blood test results on file. These amendments are consistent with an amendment to the act that deleted this requirement.

The proposed rulemaking proposes to amend § 3.90 to delete the requirement that the daily schedule at barber schools must be at least 7 but not more than 8 hours for each day the school is in session. This amendment is consistent with an amendment to the act that deleted this requirement. The proposed rulemaking also proposes to amend § 3.90 to allow for part-time student attendance at barber schools so that students who cannot attend school on a full-time basis will have the opportunity to become barbers. In addition, the requirement that each student shall have an opportunity to devote at least 5 hours per day to practical work has been amended to provide that each student shall have an opportunity to devote at least 60% of class time to practical work.

The proposed rulemaking would also amend § 3.90 to permit a student to request a transfer of credits for hours or months of study between barbershops, regardless of whether the barbershop is in-State or out-of-State and to clarify that credits can be transferred between a barber-shop and a barber school, regardless of whether the barbershop or barber school is in-State or out-of-State.

The proposed rulemaking proposes to amend § 3.103 (relating to fees) to include a fee of \$30 to cover the administrative cost of providing a certification of student status or student training hours.

#### E. Fiscal Impact and Paperwork Requirements

The Board is unable to determine the specific costs associated with the proposed amendments, but it is anticipated that there will be some administrative costs to barbershops and schools in complying with the notification, recordkeeping and reporting requirements relating to students.

The proposed rulemaking will impose additional paperwork requirements upon the Commonwealth, with respect to maintaining records of students being trained in barbershops and with maintaining quarterly reports. The proposed rulemaking will impose a minimal paperwork requirement upon the private sector by requiring shop owners to notify the Board, on a form provided by the Board, of each student to be trained in the shop. Barber-

shops and barber schools are already required to keep quarterly reports of the hours earned by a student. The regulation requiring barbershops and barber schools to submit the quarterly reports to the Board will not create any additional paperwork; it will only require them to provide reports that should already exist.

#### F. Sunset Date

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

#### G. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 3, 2008, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

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

#### H. Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Christopher McNally, Board Counsel, State Board of Barber Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference No. 16A-427 (Student Records and Curriculum), when submitting comments.

VINCENT IACONO,  
*Chairperson*

**Fiscal Note:** 16A-427. No fiscal impact; (8) recommends adoption.

#### Annex A

### TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

#### PART 1. DEPARTMENT OF STATE

#### Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

#### CHAPTER 3. STATE BOARD OF BARBER EXAMINERS

#### STUDY IN BARBER SHOPS

#### § 3.71a. Notification.

**(a) The shop owner or the shop owner's designee shall notify the Board, on a form provided by the Board, of each student to be trained in the shop. Notification shall be provided to the Board before the student begins training.**

**(b) The shop owner is responsible for ensuring that proper notification is provided to the Board under subsection (a).**

§ 3.72. Student's records.

(a) [ Student records shall be kept ] The shop owner shall keep, at all times and for inspection by the Board's representative, a file of each student which [ shall include ] includes proofs of age, education, [ blood test results, ] daily attendance and progress. The file shall be provided to the student at the student's request. The file shall be maintained for at least 5 years, beginning with the date when the student studies in the shop. If the shop is closed within this 5-year period, the student's file shall be forwarded to the Board and the student shall be so notified by the shop.

\* \* \* \* \*

(c) The shop owner is responsible for ensuring that the quarterly reports required under subsection (b) are properly maintained by the manager-barber or barber-teacher.

(d) The shop owner shall submit to the Board, on a form provided by the Board, a quarterly report of the hours earned by each student trained in the shop. The quarterly reports shall be submitted to the Board by the following dates—April 15, July 15, October 15 and January 15—for the preceding quarter. Each quarterly report must include the name and license number of the manager-barber or barber-teacher instructing the student and be personally signed by the shop owner and the student.

SCHOOLS OF BARBERING

§ 3.87. Student's records.

(a) Each school shall keep, at all times and for inspection by the [ Board ] Board's representative, a file of each student regarding proofs of age, education, [ blood test results, ] daily attendance and progress. The file shall be provided to the student at the student's request. The file shall be maintained for at least 5 years, beginning with the date when the student attends the school. If the school is closed within this 5-year period, the student's files shall be forwarded to the Board and the students shall be so notified by the school.

\* \* \* \* \*

(c) Each school shall submit to the Board, on a form provided by the Board, a quarterly report of the hours attended by each student. The quarterly reports shall be submitted by the following dates—April 15, July 15, October 15 and January 15—for the preceding quarter. Each quarterly report must

include the names and license numbers of teachers employed by the school and be personally signed by the owner and supervisor of the school.

§ 3.90. Student curriculum.

(a) Each school shall post schedules showing the schedules of classes in theory and practical work. [ The daily schedule shall be at least 7 but not more than 8 hours for each day the school is in session. ] Each student shall have an opportunity to devote [ at least 5 hours per day ] at least 60% of class time to practical work. For each of these class periods, the teacher in charge shall keep an accurate daily record of attendance and progress of each student.

(b) A student may earn credit for the number of hours per day that the student is in attendance.

(c) A student may earn a maximum of 8 hours of credit per day and a maximum of 40 hours of credit per week.

(d) \* \* \*

[ (c) ] (e) \* \* \*

[ (d) ] (f) \* \* \*

[ (e) ] (g) \* \* \*

[ (f) ] (h) \* \* \*

[ (g) ] (i) A student may request a transfer of credits for hours or months of study between a barbershop and [ a barber ] a barber school or between shops, whether the barbershop or barber school is in-State or out-of State, if the student passes a test which is based on the number of hours attended and the subjects pursued and is devised by the shop or the school to place [ him ] the student in the appropriate courses.

[ (h) ] (j) \* \* \*

§ 3.103. Fees.

The schedule of fees charged by the Board is as follows:

\* \* \* \* \*

Certification of student status or student training hours ..... \$30

[Pa.B. Doc. No. 08-1885. Filed for public inspection October 17, 2008, 9:00 a.m.]

\_\_\_\_\_

# NOTICES

## DEPARTMENT OF BANKING

### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 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 30, 2008.

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

### BANKING INSTITUTIONS

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-29-2008	Susquehanna Bank DV, Bryn Mawr, and EB Corp., Wilmington, DE Surviving Institution: Susquehanna Bank DV, Bryn Mawr	Bryn Mawr	Effective

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-15-2008	Bucks County Bank Doylestown Bucks County	7203 New Falls Road Levittown Bucks County	Opened
9-22-2008	Conestoga Bank Chester Springs Chester County	630 Skippack Pike Blue Bell Montgomery County	Opened

### SAVINGS INSTITUTIONS

No activity.

### CREDIT UNIONS

#### Change of Principal Place of Business

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
9-26-2008	Belco Community Credit Union Harrisburg Dauphin County	<i>To:</i> 449 Eisenhower Boulevard Harrisburg Dauphin County  <i>From:</i> 403 North Second Street Harrisburg Dauphin County	Effective
9-29-2008	Schuylkill County School Employees Credit Union Pottsville Schuylkill County	<i>To:</i> 60 Westwood Road Pottsville Schuylkill County  <i>From:</i> 15—17 Westwood Centre Pottsville Schuylkill County	Effective

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

STEVEN KAPLAN,  
*Secretary*

# DEPARTMENT OF BANKING

## Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 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 October 7, 2008.

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

### BANKING INSTITUTIONS

#### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
9-30-2008	Emclair Financial Corp., Emlenton, to acquire Elk County Savings and Loan Association, Ridgway, which will be merged with and into The Farmers National Bank of Emlenton, Emlenton, a wholly-owned subsidiary of Emclair Financial Corp.	Emlenton	Approved
10-1-2008	Riverview Financial Corporation (In Organization), Halifax, to acquire 100% of First Perry Bancorp, Inc., Marysville, and its subsidiary The First National Bank of Marysville, Marysville, and HNB Bancorp, Inc., Halifax, and its subsidiary Halifax National Bank, Halifax	Halifax	Filed

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-23-2008	First Priority Bank Malvern Chester County	10 Sentry Parkway Suite 100 Blue Bell Montgomery County	Filed
9-26-2008	The Muncy Bank and Trust Company Muncy Lycoming County	4880 SR 44 Dewart Northumberland County	Filed
9-30-2008	Affinity Bank of Pennsylvania Wyomissing Berks County	4541 Perkiomen Avenue Exeter Berks County	Approved
9-30-2008	Firsttrust Savings Bank Conshohocken Montgomery County	2nd Street Pike and Almshouse Road Richboro Bucks County	Authorization Surrendered

#### Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-23-2008	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	5700 North Broad Street Philadelphia Philadelphia County	Filed
10-1-2008	Susquehanna Bank DV Bryn Mawr Montgomery County	3600 Fairview Street Routes 22 and 512 Bethlehem Northampton County	Approved

**Articles of Amendment**

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
9-26-2008	Penn Liberty Bank Wayne Delaware County	Amendment to Section 2 of the Articles of Incorporation changes the principal place of business of the institution <i>From:</i> 353 West Lancaster Avenue, Suite 300, Wayne, PA <i>To:</i> Devon Square One, 724 West Lancaster Avenue, Wayne, PA	Filed

**SAVINGS INSTITUTIONS****Conversions**

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
9-30-2008	Elk County Savings and Loan Association Ridgway Elk County	Ridgway	Approved

Conversion from a State-chartered mutual savings association to a State-chartered stock savings association in conjunction with the proposed merger of Elk County Savings and Loan Association, Ridgway, with and into Farmers National Bank of Emlenton, Emlenton.

**CREDIT UNIONS**

No activity.

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

STEVEN KAPLAN,  
*Secretary*

[Pa.B. Doc. No. 08-1887. Filed for public inspection October 17, 2008, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

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### APPLICATIONS

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

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

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

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

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 individual permits and individual stormwater construction permits in Sections IV and VI, the

Department, based upon preliminary reviews, has made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications. These determinations are published as proposed actions for comments prior to taking final actions.

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

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

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

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

### I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA-0064301 (small flow treatment system)	Alfonso Bellucci 685 South Mountain Road Mountain Top, PA 18707	Dorrance Township Luzerne County	UNT to Big Wapwallopen Creek 05B	Y
PA0043044 (Minor Sewage)	Ringtown Sewer Authority P. O. Box 202 Ringtown, PA 17967	Ringtown Borough Schuylkill County	Dark Run 05E	Y

Chesapeake Bay nutrient monitoring requirements for Ammonia Nitrogen, Kjeldahl Nitrogen, Nitrite-Nitrate as N, Total Nitrogen and Total Phosphorus are being added to this permit.

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0021539 (Sew)	Williamsburg Municipal Authority 305 East Second Street Williamsburg, PA 16693-1041	Blair County Woodbury Township	Frankstown Branch Juniata River TSF 11-A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0239241	Carol Millett 9213 Old State Road Conneaut Lake, PA 16316	Sadsbury Township Crawford County	UNT to Conneaut Outlet 16-D	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.*

**PA0013285**, Industrial Waste, **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010. This proposed facility is located in Schuylkill Township, **Chester County**.

Description of Proposed Activity: Discharge of filter backwash water and sedimentation basins cleaning water from the Pickering Creek water treatment plant located at 1101 Valley Forge Road in Phoenixville. This is an existing discharge to Pickering Creek.

The receiving stream, Pickering Creek, is in the State Water Plan Watershed 3D and is classified for: WWF. The nearest downstream public water supply intake for Aqua Pennsylvania, the Pickering Creek water treatment plant is on opposite bank of the of the Schuylkill River across from the point of discharge.

The proposed effluent limits for Outfall 002, based on a design flow of 2.1 mgd, are as follows:

Parameters	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>			25	40	50
Total Suspended Solids			30	60	75
Iron, Total			2.0	4.0	5.0
Aluminum, Total			4.0	8.0	10.0
Manganese, Total					
(For Filter Backwash Water)			1.0	2.0	2.5
(For Basins Cleaning Water)				4.0	
Total Residual Chlorine			0.5		1.0
pH (Standard Units)	Within Limits of 6.0 to 9.0 Standard Units at all times.				

The proposed effluent limitations for Outfalls 003—006 (during emergency situation only), consisting of finished chlorinated water are as follows:

Parameters	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Residual Chlorine			Shall not exceed 1.0 mg/l at all times		

The discharge from Outfalls 007—009 are solely consisting of uncontaminated groundwater. Monitoring is not required. The EPA waiver is in effect.

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

**PA#0043885**, Sewage, **Greater Pottsville Area Sewer Authority**, 401 North Centre Street, Pottsville, PA 17901-7163. This proposed facility is located in Pottsville City, **Schuylkill County**.

Description of Proposed Activity: Renewal of Major NPDES Permit to discharge 8.2 mgd of treated sewage.

The receiving stream, Schuylkill River, is in the State Water Plan Watershed 3A and is classified for: CWF. The nearest downstream public water supply intake for Pottstown is located on the Schuylkill River is 54 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 8.2 mgd.

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	20	30	40
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	6		12
(11-1 to 4-30)	18		
Dissolved Oxygen	A minimum of 5.0 mg/l at all times.		
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a Geometric Mean		
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean		
pH	6.0 to 9.0 Standard Units at all times.		
Total Residual Chlorine	0.32		0.78
Color*	150 Units		250 Units Max Day
Lead			
(Effective date through year 3)	0.03		0.05 Max Day
(Year 4 through expiration)	0.012		0.018 Max Day
Copper			
(Effective date through year 3)	0.06		0.09 Max Day
(Year 4 through expiration)	0.031		0.047 Max Day

\* Platinum—Cobalt scale or equivalent.

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

1. Whole Effluent Toxicity Test.
2. Pretreatment Operating and Reporting Requirements.
3. Combined Sewer Overflows.
4. Stormwater.
5. Toxics Reduction Evaluation (TRE).

The EPA waiver is not in effect.

Point sources 1—56 serve as combined sewer reliefs necessitated by stormwater entering the sewer system and exceeding the hydraulic capacity of the sewers and/or the treatment plant. In accordance with the Department of Environmental Protection's Environmental Protection Agency approved CSO strategy, a special permit requirement is included in Part C of this permit.

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

**Application No. PA 0085871**, Industrial Waste, SIC Code 4941, **Mount Joy Borough Authority**, P. O. Box 25, Mount Joy, PA 17552. This facility is located in East Donegal Township, **Lancaster County**.

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

The receiving stream, UNT of Donegal Creek, is in Watershed 7-G, and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Columbia Water Company located on the Susquehanna River, approximately 7.8 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.04 mgd are:

Parameter	Concentration		
	Average Monthly (mg/l)	Maximum Daily (mos/kg)	Instantaneous Maximum (mos/kg)
Osmotic Pressure		535	665
pH		6 to 9	

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

The EPA waiver is not in effect.

**Application No. PA 0247031**, CAFO, **Red Knob Farm**, 324 Balance Meeting Road, Peach Bottom, PA 17563.

Keystone Dairy Ventures, LLC has submitted an NPDES permit renewal application for the Red Knob Farm, an existing dairy operation in Little Britain Township, **Lancaster County**. The CAFO is situated near Little Conowingo Creek, which is classified as a HQ-CWF. The CAFO has a target animal population of approximately 1,413 animal equivalent units consisting of 750 milk cows, 175 dry cows, 350 prebred heifers, 175 mature heifers and 160 pastured heifers. There are three liquid manure storage facilities on the farm, two clay lined manure storage impoundments and a circular concrete storage structure. A release or discharge to waters of this 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 the NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit. The permit application and draft permit are on file at the Southcentral Regional Office of the Department.

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

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

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

**PA0002941-A1**, Industrial Waste, SIC 4911, **Allegheny Energy Supply Company, LLC**, 800 Cabin Hill Drive, Greensburg, PA 15601. This application is for amendment of an NPDES permit to discharge treated process water, stormwater, leachate, untreated cooling water and stormwater from Hatfield's Ferry Power Station in Monongahela Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, of Monongahela River (Outfalls 006, 007, 014, 015, 021 and 022), UNT Little Whiteley Creek (Outfalls 016 and 017), and a UNT Monongahela River (Outfalls 018—020) all classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Carmichael Municipal Water Authority, located in Carmichael, PA, 3.5 miles below the discharge point.

*Internal Outfall 206: new discharge, proposed flow of 1.21 mgd.*

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
TSS			30	100	
Oil and Grease			15	20	



## NOTICES

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Cadmium				Monitor and Report	
Mercury				Monitor and Report	
Selenium				Monitor and Report	
Thallium				Monitor and Report	
pH	not less than 6.0 nor greater than 9.0				

*Internal Outfall 306: new discharge, design flow of 0.475 mgd.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
TSS			30	100	
Oil and Grease			15	20	
Aluminum				Monitor and Report	
Arsenic				Monitor and Report	
Beryllium			0.005	0.01	
Boron				Monitor and Report	
Cadmium				Monitor and Report	
Chromium III				Monitor and Report	
Chlorides				Monitor and Report	
Copper			0.1	0.2	
Iron, total				Monitor and Report	
Iron, dissolved				Monitor and Report	
Lead			0.1	0.2	
Manganese				Monitor and Report	
Mercury			0.005	0.01	
Nickel				Monitor and Report	
Selenium			2.0	4.0	
Silver			0.05	0.1	
Thallium				Monitor and Report	
Zinc				Monitor and Report	
pH	not less than 6.0 nor greater than 9.0				

*Outfall 006: existing discharge, interim limits, existing flow of 3.21 mgd.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
TSS			30	100	
Oil and Grease			15	20	30
Cadmium				Monitor and Report	
Mercury				Monitor and Report	
Selenium				Monitor and Report	
Thallium				Monitor and Report	
pH	not less than 6.0 nor greater than 9.0				

*Outfall 006: existing discharge, final limits, proposed flow 1.68 mgd.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
TSS			30	100	
Oil and Grease			15	20	30
Cadmium			0.01	0.02	
Mercury			0.002	0.004	
Selenium			0.2	0.4	
Thallium			0.066	0.132	
pH	not less than 6.0 nor greater than 9.0				

*Outfall 007: existing discharge, interim limits, average flow of 0.1266 mgd and maximum daily flow of 0.576 mgd.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average</i>	<i>Maximum</i>	<i>Average</i>	<i>Maximum</i>	<i>Instantaneous</i>
	<i>Monthly</i>	<i>Daily</i>	<i>Monthly</i>	<i>Daily</i>	<i>Maximum</i>
Flow (mgd)	Monitor and Report				
TSS			30	100	
Aluminum			0.6	1.2	
Iron			1.8	3.6	
Thallium			0.0021	0.0042	
Manganese			1.2	2.4	
pH	not less than 6.0 nor greater than 9.0				

*Outfall 007: existing discharge, final limits, average flow of 0.1266 mgd and maximum daily flow of 0.576 mgd.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average</i>	<i>Maximum</i>	<i>Average</i>	<i>Maximum</i>	<i>Instantaneous</i>
	<i>Monthly</i>	<i>Daily</i>	<i>Monthly</i>	<i>Daily</i>	<i>Maximum</i>
Flow (mgd)	Monitor and Report				
TSS			30	100	
Aluminum			0.6	1.2	
Iron			1.8	3.6	
Thallium			0.0021	0.0042	
Manganese			1.2	2.4	
pH	not less than 6.0 nor greater than 9.0				

*Internal Outfall 114: new discharge, average flow of 0.164 mgd and maximum daily flow of 0.379 mgd.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average</i>	<i>Maximum</i>	<i>Average</i>	<i>Maximum</i>	<i>Instantaneous</i>
	<i>Monthly</i>	<i>Daily</i>	<i>Monthly</i>	<i>Daily</i>	<i>Maximum</i>
Flow (mgd)	Monitor and Report				
TSS			30	60	
Iron			Monitor and Report	Monitor and Report	
Aluminum			Monitor and Report	Monitor and Report	
Manganese			Monitor and Report	Monitor and Report	
Boron			Monitor and Report	Monitor and Report	
Selenium			Monitor and Report	Monitor and Report	
Thallium			Monitor and Report	Monitor and Report	
pH	not less than 6.0 nor greater than 9.0				

*Internal Outfall 214: new discharge, flow of 0.001 mgd.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average</i>	<i>Maximum</i>	<i>Average</i>	<i>Maximum</i>	<i>Instantaneous</i>
	<i>Monthly</i>	<i>Daily</i>	<i>Monthly</i>	<i>Daily</i>	<i>Maximum</i>
Flow (mgd)	Monitor and Report				
TSS			Monitor and Report	Monitor and Report	
Iron			Monitor and Report	Monitor and Report	
Aluminum			Monitor and Report	Monitor and Report	
Manganese			Monitor and Report	Monitor and Report	
Boron			Monitor and Report	Monitor and Report	
Selenium			Monitor and Report	Monitor and Report	
Thallium			Monitor and Report	Monitor and Report	
pH	not less than 6.0 nor greater than 9.0				

*Internal Outfall 314: new discharge, varied flow.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average</i>	<i>Maximum</i>	<i>Average</i>	<i>Maximum</i>	<i>Instantaneous</i>
	<i>Monthly</i>	<i>Daily</i>	<i>Monthly</i>	<i>Daily</i>	<i>Maximum</i>
Flow (mgd)	Monitor and Report				
TSS			30	60	
Oil and Grease			Monitor and Report	Monitor and Report	
Iron			Monitor and Report	Monitor and Report	
Aluminum			Monitor and Report	Monitor and Report	

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

Internal Outfall 414: new discharge, varied flow.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
TSS			30	60	
Oil and Grease	Monitor and Report				
Iron	Monitor and Report				
Aluminum	Monitor and Report				
Manganese	Monitor and Report				
pH	not less than 6.0 nor greater than 9.0				

Outfall 014: new discharge, average flow of 0.164 mgd and maximum daily flow of 27.82 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
TSS			30	60	
pH	not less than 6.0 nor greater than 9.0				

Outfall 015: new discharge, varied flow.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
TSS			30	60	
Iron	Monitor and Report				
Aluminum	Monitor and Report				
Manganese	Monitor and Report				
Boron	Monitor and Report				
Selenium	Monitor and Report				
Thallium	Monitor and Report				
pH	not less than 6.0 nor greater than 9.0				

Outfalls 016—020: varied flow.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
These discharges shall consist solely of uncontaminated stormwater runoff.					

Outfall 021: new discharge, varied flow.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
TSS			30	60	
Oil and Grease	Monitor and Report				
Iron	Monitor and Report				
Aluminum	Monitor and Report				
Manganese	Monitor and Report				
pH	not less than 6.0 nor greater than 9.0				

*Outfall 022:* new discharge, varied flow.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
TSS			30	60	
Oil and Grease			Monitor and Report		
Iron			Monitor and Report		
Aluminum			Monitor and Report		
Manganese			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

Internal Outfall 106 has been deleted from the permit.

The EPA waiver is not in effect.

**PA0093556**, Sewage, **North Union Township Municipal Services Authority**, 6 South Evans Station Road, Lemont Furnace, PA 15456-1092. This application is for renewal of an NPDES permit to discharge treated sewage from Bethel Court Plan Sewage Treatment Plant in North Union Township, **Fayette County**.

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

*Outfall 001:* existing discharge, design flow of 0.00714 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	7.0			14.0
(11-1 to 4-30)	21.0			42.0
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
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0217841**, Sewage, **Bureau of State Parks, Ryerson State Park**, 361 Bristonia Road, Wind Ridge, PA 15308-1258. This application is for renewal of an NPDES permit to discharge treated sewage from Ryerson State Park Sewage Treatment Plant in Richhill Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as North Fork of Dunkard Creek, which are classified as a TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Big Wheeling Creek Water Intake.

*Outfall 001:* existing discharge, design flow of 0.007 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	1.9			3.8
(11-1 to 4-30)	2.5			5.0
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	0.01			0.03
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.

**PA0217832**, Sewage, **Perrine Partners, LP**, R. D. 2, Box 164A, Route 66 and Pfeffer Road, Export, PA 15632-9412. This application is for renewal of an NPDES permit to discharge treated sewage from Perrine Building STP in Washington Township, **Westmoreland County**.

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

*Outfall 001:* existing discharge, design flow of 0.001035 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	1.5			3.0
(11-1 to 4-30)	4.5			9.0
Phosphorus	2			4
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 7.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0028801**, Sewage, **Moon Township Municipal Authority**, 1700 Beaver Grade Road, Suite 200, Moon Township, PA 15108-3193. This application is for renewal of an NPDES permit to discharge treated sewage from Leonard L. Nary Wastewater Treatment Plant at Montour Run in Moon Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Ohio River Back Channel, 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 NOVA Chemicals Company on the Ohio River.

*Outfall 001:* existing discharge, design flow of 6.2 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	38		50
Suspended Solids	30	45		60
Fecal Coliform				
(5-1 to 10-31)	200/100 ml as a Geometric Mean			
(11-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	0.5			1.6
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: Outfalls 002—005, which discharge to the receiving waters known as Montour Run, serve as stormwater discharges from areas in and around the treatment plant. These outfalls are covered under the NPDES permit, Part C—Requirements Applicable to Stormwater Outfalls.

The first 3 years of the renewal permit include quarterly monitoring requirements for certain nutrients (nitrogen and phosphorus components) for Outfall 001. This is in accordance with Ohio River Valley Water Sanitation Commission's (ORSANCO's) October 5, 2006, meeting in which the Commission States, including Pennsylvania, agreed to include said monitoring in the NPDES permits for all major discharges of 1 mgd or greater to the Ohio River.

The EPA waiver is not in effect.

**PA0205796**, Sewage, **Wilpen Fire Company of Ligonier Township**, 379 Wilpen Road, Ligonier, PA 15658. This application is for renewal of an NPDES permit to discharge treated sewage from Wilpen Fire Company Sewage Treatment Plant in Ligonier Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Hannas Run, which are classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Saltsburg Municipal Water Works located on the Conemaugh River.

*Outfall 001:* existing discharge, design flow of 0.0006 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
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
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0023698**, Sewage, **Vanport Township Municipal Authority**, 285 River Avenue, Vanport, PA 15009. This application is for renewal of an NPDES permit to discharge treated sewage from Vanport Water Pollution Control Plant in Vanport Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Twomile 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 Midland Borough Municipal Authority.

*Outfall 001*: existing discharge, design flow of 1.56 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25	37.5		50
Suspended Solids	30	45		60
Fecal Coliform (5-1 to 10-31)	200/100 ml as a Geometric Mean			
(11-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	0.5			1.6
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: Outfall 101 which discharges to the receiving waters known as Twomile Run is a stormwater outfall at the sewage treatment plant. There are at this time no specific numerical effluent limitations on that outfall. This discharge must meet the stormwater discharge requirements in Part C of the permit.

The first 3 years of the renewal permit include quarterly monitoring requirements for certain nutrients (nitrogen and phosphorus components) for Outfall 001. This is in accordance with Ohio River Valley Water Sanitation Commission's (ORSANCO's) October 5, 2006, meeting in which the Commission States, including Pennsylvania, agreed to include said monitoring in the NPDES permits for all major discharges of 1 mgd or greater.

The EPA waiver is not in effect.

**PA0093726**, Sewage, **Armstrong School District**, 410 Main Street, Ford City, PA 16226. This application is for renewal of an NPDES permit to discharge treated sewage from Kittanning Township Elementary School STP in Kittanning Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Rupp 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 Company, Kittanning Station.

*Outfall 001*: existing discharge, design flow of 0.007 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	15			30
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 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0111201**, Sewage, **Carrolltown Borough Municipal Authority**, P. O. Box 307, Carrolltown, PA 15722. This application is for renewal of an NPDES permit to discharge treated sewage from Carrolltown Borough STP in Carrolltown Borough, **Cambria County**.

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

*Outfall 001:* existing discharge, design flow of 0.2 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	2.0	3.0		4.0
(11-1 to 4-30)	3.3	5.0		6.6
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	0.023			0.076
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			
Copper	0.05		0.10	0.125

The EPA waiver is in effect.

**PA0090719**, Sewage, **Indiana County Municipal Services Authority**, 602 Kolter Drive, Indiana, PA 15701. This application is for renewal of an NPDES permit to discharge treated sewage from Robindale Heights Sewage Treatment Plant in East Wheatfield Township, **Indiana County**.

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

*Outfall 001:* existing discharge, design flow of 0.019 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	5.5			11.0
(11-1 to 4-30)	16.5			33.0
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	0.9			2.1
Dissolved Oxygen	not less than 4.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

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

**WQM Permit No. 0608404**, Sewerage, **Woodbridge Golf Club, Inc.**, 45 Sweetcorn Drive, Kutztown, PA 19530. This proposed facility is located in Maxatawny Township, Berks County and Weisenberg Township, **Lehigh County**.

Description of Proposed Action/Activity: Construction/Operation of a 114-acre, 18-hole golf course, with attendant support facilities and a 13-lot residential subdivision with total sewage flows of 7,000 gpd to be served by a privately owned wastewater treatment plant with a nondischarge proposal of reuse of the wastewater effluent as irrigation on the golf club.

**WQM Permit No. 6708408**, Sewerage, **Newberry Township Municipal Authority**, 1915 Old Trail Road, Etters, PA 17036. This proposed facility is located in Newberry Township, **York County**.

Description of Proposed Action/Activity: Construction/Operation of sewer extension from White Oak Pump Station to Fox Farm Interceptor along Fishing Creek corridor and abandonment of existing White Oak Pump Station.

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

**WQM Permit No. 0307201-A1**, Industrial Waste, **Reliant Energy Northeast Management Company**, 121 Champion Way, Suite 200, Canonsburg, PA 15317. This existing facility is located in Plum Creek Township, **Armstrong County**.

Description of Proposed Action/Activity: Application for permit amendment.

**WQM Permit No. 4675053-A2**, Sewerage, **Clelian Heights School**, 135 Clelian Heights Lane, Greensburg, PA 15601. This existing facility is located in Salem and Hempfield Townships, **Westmoreland County**.

Description of Proposed Action/Activity: Application for permit amendment to replace existing sewage treatment plant.

**WQM Permit No. 6508403**, Sewerage, **Patrick J. DiCesare**, 116 East Pittsburgh Street, Greensburg, PA 15601. This proposed facility is located in East Huntingdon Township, **Westmoreland County**.

Description of Proposed Action/Activity: Application for the construction and operation of a mobile home park sewage treatment plant.

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

**WQM Permit No. 6286201**, Sewerage, **Waste Treatment Corp.**, 1 Harmar Street, Warren, PA 16365. This proposed facility is located in City of Warren, **Warren County**.

Description of Proposed Action/Activity: A prefabricated treatment unit that includes an inclined plate clarifier with flash mix/floc tank and mixers will be installed with piping adaptations to receive pump flows from the existing storage tanks.

**WQM Permit No. 4399411**, Sewerage Amend No. 1, **Hermitage Municipal Authority**, 800 North Hermitage Road, Hermitage, PA 16148. This proposed facility is located in the City of Hermitage, **Mercer County**.

Description of Proposed Action/Activity: Organic rerating of treatment system.

*Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6860.*

**WQM Permit No. 6286201-A5**, Industrial Waste, **Waste Treatment Corporation**, 1 Harmar Street, Warren, PA 16365. This proposed facility is located in City of Warren, **Warren County**.

Description of Proposed Action/Activity: Application for modification and operation of an existing wastewater treatment facility, including the addition of a new prefabricated inclined plate clarifier treatment unit and the conversion of an existing inclined plate clarifier treatment unit for use as a filtrate clarifier.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030508002	Bedford Township Municipal Authority	Bedford	Bedford Township	UNT to Shobees Run HQ-CWF
PAI030508003	Bedford Township Municipal Authority	Bedford	Bedford Township	Shobees Run HQ-CWF
PAI032103001R	The Diehl Partnership Donald E. Diehl 4 East High Street Carlisle, PA 17013	Cumberland	South Middleton Township	Yellow Breeches Creek HQ-CWF
PAI030608019	East Penn Manufacturing Co., Inc. Bryan Miller P. O. Box 147 Lyon Station, PA 19536	Berks	Richmond Township	Moselem Creek HA-CWF

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

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



**STATE CONSERVATION COMMISSION**  
**NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR**  
**NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES)**  
**PERMITS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)**

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under the act of July 6, 2005 (Act 38 of 2005, 3 Pa.C.S. §§ 501—522) (hereinafter referred to as Act 38), and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92. This notice is provided in accordance with 25 Pa. Code Chapter 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC), or County Conservation Districts (CCD) working under a delegation agreement with the SCC, have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at [www.pacd.org/districts/directory.htm](http://www.pacd.org/districts/directory.htm) or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based.

The address for the SCC is Agriculture Building, Room 407, 2301 North Cameron Street, Harrisburg, PA 17110.

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

**NUTRIENT MANAGEMENT PLAN PUBLIC NOTICE SPREADSHEET—APPLICATIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>
Rodney Shearer 5244 Shearer Lane Spring Grove, PA 17362	York	70.2 acres	363.71	Layers	HQ	Renewal
Mike Rohrer Rohrer Dairy Farm 124 Charlestown Road Washington Borough, PA 17582	Lancaster	684	1,963	Dairy	N/A	Renewal
Keith Beiler Beiler Farms 2185 Smyrna Road Paradise, PA 17562	Lancaster	381	464.77	Dairy/ Hogs	N/A	Renewal
Huber Villas Farm John Huber 5158 Tuscarora Path Loysville, PA 17047	Perry	0	916.56	Swine	None	Renewal

**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

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

**Application No. 5308502—Construction, Public Water Supply.**

Applicant	<b>Ulysses Municipal Authority</b>
Township or Borough	Ulysses Borough
County	<b>Potter</b>
Responsible Official	Timothy C. Scott Chairperson 522 Main Street Ulysses, PA 16948
Type of Facility	Public Water Supply—Construction
Consulting Engineer	Michael J. Peleschak, P. E. Alfred Benesch & Co. 400 One Norwegian Plaza Pottsville, PA 17901
Application Received Date	October 1, 2008
Description of Action	Addition of iron removal chemicals and the addition of sodium hypochlorite at Well Nos. 1—3 and Big Springs.

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

**Application No. 4308501, Public Water Supply.**

Applicant	<b>South Pymatuning Township</b>
Township or Borough	South Pymatuning Township <b>Mercer County</b>
Responsible Official	Joseph Christoff Township Supervisor
Consulting Engineer	Peter J. Kusky, P. E. Project Manager Aqua Pennsylvania, Inc. 6650 South Avenue Boardman, OH 44512
Application Received Date	October 1, 2008
Description of Action	Construct new booster station to service the township system from the Sharpsville system. Booster is needed when Sharpsville WTP is decommissioned and Aqua PA becomes the water supplier.

### MINOR AMENDMENT

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

**Application No. 5401503MA, Minor Amendment, Public Water Supply.**

Applicant	<b>Pennsylvania American Water</b> 800 West Hersheypark Drive Hershey, PA 17033 Frackville Borough
Responsible Official	Robert F. Schnitzler, Jr. Manager of Operations Pennsylvania American Water 105 Sodom Road Milton, PA 17847
Type of Facility	PWS
Consulting Engineer	Joel A. Mitchelle, P. E. Pennsylvania American Water 852 Wesley Drive Mechanicsburg, PA 17055
Application Received Date	September 26, 2008
Description of Action	The applicant proposes the replacement of 6th Street Reservoir cover.

**Application No. 2520085, Minor Amendment, Public Water Supply.**

Applicant	<b>Pennsylvania American Water</b> 800 West Hersheypark Drive Hershey, PA 17033 Westfall Township
Responsible Official	Paul Zielinski Pennsylvania American Water 800 West Hersheypark Drive Hershey, PA 17033
Type of Facility	PWS
Consulting Engineer	N/A
Application Received Date	September 19, 2008
Description of Action	Transfer of PWS Permit No. 2520085 issued to Three Lane Utilities, Inc. (Milford Landing PWS) to Pennsylvania American Water.

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

**Application No. 4287504-MA1, Minor Amendment.**

Applicant	<b>Crosby Water Association</b>
Township or Borough	Norwich Township <b>McKean County</b>
Responsible Official	Dennis McKiernan P. O. Box 77 Crosby, PA 16724-0077
Type of Facility	Public Water System
Application Received Date	September 29, 2008
Description of Action	Replacement of the finished water holding tanks.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 1

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

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

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a Site-Specific Standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation to a Site-Specific Standard or as a special industrial area, the municipality within which the site is located may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

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

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

*Northeast Region: Ronald S. Brezinski, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Unison Engine Components, Inc.—Truform** (1141 Highway 315), Plains Township, **Luzerne County**. James Sposito, James P. Sposito Associates, 11 Archbald Street, Carbondale, PA 18407 has submitted a Notice of Intent to Remediate (on behalf of his client, Unison Engine Components, Inc., 701 Crestwood Drive, Mountaintop, PA 18707), concerning the remediation of soils found to have been impacted by hydraulic oil as a result of an accidental release. The applicant proposes to remediate the site to meet the Statewide Health Standard for soil. The proposed future use of the property will be manufacturing. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

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

**R & F Trucking Pa. Route 35 Accident**, Washington Township, **Snyder County**. Northridge Group Incorporated, Northridge Road, Northumberland, PA 17857 on behalf of R & F Trucking, R. R. 1, Box 94P, Thompsontown, PA 17094 has submitted a Notice of Intent to Remediate soil contaminated with diesel fuel. The applicant proposes to remediate the site to meet the Statewide Health Standard. The site of the project will remain a State right-of-way along the highway and also a residential yard.

### RESIDUAL WASTE GENERAL PERMITS

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

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

**General Permit Renewal Application Number WMGR096NE001.** Hazleton Creek Prop, LLC, Route 924 Mined Lands, City of Hazleton, PA 18201. General Permit Number WMGR096NE001 authorizes beneficial use of regulated fill as defined in Guidance Document 58-2182-773 (Management of Fill). The application was received by Central Office on October 2, 2008.

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

### AIR QUALITY

#### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

##### NEW SOURCES AND MODIFICATIONS

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State

operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department has received applications for plan approvals and/or operating permits from the following facilities.

Copies of the applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must include a concise statement of the objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office identified before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121–143, the Federal Clean Air Act (act) and regulations adopted under the act.

#### PLAN APPROVALS

**Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Ray Kempa, New Source Review Chief, (570) 826-2507.*

**39-309-073: Blend-Pro, Inc.** (601 South Tenth Street, Allentown, PA 18103) for installation of air cleaning devices at their facility in Allentown, **Lehigh County**.

**48-309-131: ESSROC Cement Corp.** (Route 248 and Easton Road, 401 West Prospect Street, Nazareth, PA 18064) for reactivation of their railcar loading operation at their facility in Lower Nazareth Township, **Northampton County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, M. Gorog and B. Hatch, Environmental Engineer Managers, (412) 442-4163/5226.*

**26-00451E: CONSOL Docks, Inc.** (1800 Washington Road, Pittsburgh, PA 15241) for clean coal stockpiling system at Alicia Dock in Luzerne Township, **Fayette County**.

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

**42-004E: American Refining Group** (77 North Kendall Avenue, Bradford, PA 16701) for a minor plan approval amendment to waive the H<sub>2</sub>S performance testing and implement an H<sub>2</sub>S alternative monitoring plan associated with the Hydrotreater Unit and the flue gas Desulfurization Unit permitted in Plan Approval 42-004C at the Bradford facility in Bradford City, **McKean County**. This is a Title V facility, Permit No. 42-0004.

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

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

**36-03160B: G/S/M Industrial, Inc.** (3249 Hempland Road, Lancaster, PA 17601) for re-activation of a spray paint booth at their facility in East Hempfield Township, **Lancaster County**. A dry filter will control PM emissions. The facility has a potential to emit 12 tpy of VOC, 8.5 tpy of HAP and less than a tpy of PM. The facility is presently covered by a State-only permit no. 36-03160. The plan approval 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.*

**08-313-038I: Global Tungsten & Powders, Corp.** (Hawes Street, Towanda, PA 18848-0504), for the proposed installation and operation of two new fabric collectors to control PM emissions from rotary calciners 1 and 4 and increase in production through the calciners within the Tungsten Scrap department (009), at the North Towanda Township, **Bradford County** facility. The existing fabric collectors will be replaced by the proposed fabric collectors and filters.

The Department of Environmental Protection's (Department) review of the information contained in the application submitted by GTP indicates that the calciners controlled by the proposed fabric collectors and filters will comply with all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants, including the fugitive air contaminant emission requirement of 25 Pa. Code § 123.1, the PM emission limitation of 25 Pa. Code § 123.13 and the visible emission limitation of 25 Pa. Code § 123.41. The plan approval, if issued, will subsequently be incorporated in an operating permit by means of an administrative amendment in accordance with 25 Pa. Code § 127.450 at a later date.

Based upon this finding, the Department proposes to issue a plan approval for the installation of the fabric collector and absolute filter to control PM emissions from the calciners. The following is a summary of the conditions the Department proposes to place in the plan approval to ensure compliance with all applicable regulatory requirements:

1. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, no person may permit the emission into the outdoor atmosphere of PM from the exhaust of IDs C215B and C218B associated with Source IDs P215 and P218 in a manner that the concentration in the effluent gas exceeds 0.01 lb/hr, 0.04 ton/12CMP and 0.0002 grain per dry standard cubic foot.

2. Under 25 Pa. Code § 123.21, no person may permit the emission into the outdoor atmosphere of SO<sub>x</sub> from a source in a manner that the concentration of SO<sub>x</sub>, expressed as SO<sub>2</sub>, in the effluent gas exceeds 500 parts per million, by volume, dry basis.

3. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, there shall be no visible emissions in the exhaust of control device ID C218B associated with Source IDs P215 and P218.

4. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall only process tungsten scrap in calciners Nos. 1 and 4 (Source IDs P215 and P218) and the tungsten scrap shall not contain any cutting fluids, any volatiles or any hazardous materials. Additionally, the permittee shall not produce more than 375 lbs/hr of tungsten oxide in each Source IDs P215 and P218.

5. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, calciner No. 4 (Source IDs P215 and P218) shall only be fired on natural gas.

6. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the Donaldson Torit model 81MBT10 fabric collectors (IDs C215A and C218A) and HEPA filters (IDs C215B and C218B) shall be equipped with instrumentation to continuously monitor the pressure drop across the collector and filter and shall continuously monitor the pressure drop across the collector and filter.

7. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the Donaldson Torit model 81MBT10 fabric collectors (IDs C215A and C218A) shall be equipped with instrumentation to continuously monitor and record the inlet temperature to the collector.

8. The permittee shall keep on hand a sufficient quantity of spare fabric collector bags and filters for IDs C215A, C215B, C218A and C218B associated with Source IDs P215 and P218 to be able to immediately replace any bag or filter requiring replacement.

9. The permittee shall keep records of the following:

a. Supporting calculations which verify compliance with the PM emission limitation and the throughput limitation.

b. The pressure drop across the collectors (IDs C215A and C218A) and HEPA filters (IDs C215B and C218B) associated with Source IDs P215 and P218 at least once per day.

c. The inlet temperature to the fabric collectors (IDs C215A and C218A) associated with Source IDs P215 and P218 on a continuous basis.

These records shall be kept onsite for minimum of 5 years and shall be presented to the Department upon request.

10. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the air compressor that supplies compressed air to IDs C215A, C215B, C218A and C218B shall be equipped with an air dryer and oil trap.

11. Source ID P218 consists of Calciner No. 4, a Harper Electric model GU-30D180-RT-18.

The PM emissions from Source ID P218 shall be controlled by the Donaldson Torit model 81MBT10 fabric collector (ID C218A) which incorporates a HEPA Ultra-Lok filter (ID C218B) in its exhaust duct. Additionally, control device IDs C218A and C218B shall be made of material that is capable of withstanding temperatures up to 390° F.

12. Source ID P215 consists of Calciner No. 1, a 30 inch Harper Electric.

The PM emissions from Source ID P215 shall be controlled by the Donaldson Torit model 81MBT10 fabric collector (ID C215A) which incorporates a HEPA Ultra-Lok filter (ID C215B) in its exhaust duct. Additionally, control device IDs C215A and C215B shall be made of material that is capable of withstanding temperatures up to 390° F.

13. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the air temperature shall not exceed 390° F in the inlet of the fabric collectors (IDs C215A and C218A).

14. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the Department reserves the right to establish a pressure drop range for the Donaldson Torit model 81MBT10 fabric collectors (IDs C215A and C218A) and HEPA filters (IDs C215B and C218B) upon the issuance of an operating permit.

A copy of the plan approval application and the Department's review is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at (570) 327-3693. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Manager, Facilities Permitting Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-0512.

**41-00056A: Wenger's Feed Mill, Inc.** (P. O. Box 26, Rheems, PA 17570) for the construction of a feed mill pellet line in the Muncy Mill in Clinton Township, **Lycoming County**.

The proposed pellet line will incorporate a pellet cooler, the PM emissions from which will be controlled by a high efficiency cyclone collector. The resultant PM/PM10 emissions are not expected to exceed 7.83 tpy.

The facility in which the proposed pellet line will be located is not major (Title V) facility for any air contaminant.

The Department of Environmental Protection's (Department) review of the information submitted by Wenger's Feed Mill, Inc. indicates that the pellet line will comply with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants including 25 Pa. Code § 123.13 and the BAT requirement of 25 Pa. Code §§ 127.1 and 127.12. Based

on this finding, the Department proposes to issue plan approval for the construction of the proposed pellet line. Additionally, if the Department determines that the pellet line is operating in compliance with all conditions of the plan approval and all applicable regulatory requirements following its construction, the Department intends to incorporate the plan approval conditions into State-only Operating Permit 41-00056 in accordance with the administrative amendment requirements of 25 Pa. Code § 127.450.

The following is a summary of the conditions the Department proposes to place in the plan approval to be issued to ensure compliance with all applicable requirements:

1. The concentration of PM/PM10 in the exhaust of the cyclone collector used to control the PM/PM10 emissions from the pellet cooler shall not exceed .02 grain per dry standard cubic foot of effluent gas volume. Additionally, the visible air contaminant emissions from the cyclone exhaust shall not equal or exceed 10% opacity (excluding water vapor and steam) at any time.

2. The exhaust of the cyclone collector used to control the PM/PM10 emissions from the pellet cooler shall be equipped with a Bindicator particulate detection and alarm system.

3. The permittee shall shut down the pellet cooler if the Bindicator detection and alarm system indicates the presence of excessive PM/PM10 emissions in the cyclone exhaust and shall not restart the pellet cooler until the cause of the excessive emissions indication has been determined and corrected. Additionally, the permittee shall maintain a record of each indication of excessive emissions provided by the Bindicator detection and alarm system which, at a minimum, shall include the date of the occurrence, the duration of the occurrence and a description of any action taken to reduce the excessive emissions.

4. The permittee shall perform PM stack testing on the cyclone collector used to control the PM/PM10 emissions from the pellet cooler should the Department determine that the testing is needed to determine compliance with the applicable PM emission limit.

5. The permittee shall notify the Department of its final selection of the pellet mill and pellet cooler within 10 days of making said selection and shall, at that time, identify the manufacturer, model number and capacity of the pellet mill and pellet cooler selected as well as the exhaust flow of the pellet cooler. The permittee shall also provide the Department with any additional information regarding the pellet mill and pellet cooler that the Department may determine is needed.

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

**10-001N: AK Steel Corporation—Butler Plant** (Main Street/Standard Avenue, Butler, PA 16003) for modification of their No. 26 Carlite unit (increasing line speed and installation of low NOx burners) in Butler Township, **Butler County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval at Title V facilities in accordance with 25 Pa. Code § 127.44. 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. The source shall comply with the following conditions, which will satisfy the requirements

of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate BAT for the source:

- Emissions shall comply with 25 Pa. Code §§ 123.1, 123.31 and 123.41 for fugitive, odor and visible emissions respectively.

- Subject to 25 Pa. Code 123.13 and 123.21 for PM and sulfur compounds.

- The emissions from the source shall not exceed the following:

- NOx: 0.073 #/mmBtu.

- CO: 0.501 #/mmBtu.

- PM10: 0.003 #/mmBtu.

- Stack test for FPM, NOx and CO.

- The permittee shall maintain a record of all preventive maintenance inspections of the source. The records of the maintenance inspections shall include, at a minimum, the dates of the inspections, the name of the person performing the inspection, any problems or defects identified, any actions taken to correct the problems or defects, and any routine maintenance performed.

- The permittee shall record each adjustment conducted in a permanently bound log book. This log shall contain, at a minimum, the following:

- The date of the tuning procedure.

- The name of the service company and technicians.

- The final operating rate or load.

- The final CO and NOx emission rates.

- The final excess oxygen rate.

- The permittee shall perform an annual adjustment or tuneup. This adjustment shall include, at a minimum, the following:

- Inspection, adjustment, cleaning or replacement of fuel-burning equipment, including the burners and moving parts necessary for proper operation as specified by the manufacturer.

- Inspection of the flame pattern or characteristics and adjustments necessary to minimize total emissions of NOx and to the extent practicable minimize emissions of CO.

- Inspection of the air-to-fuel ratio control system and adjustments necessary to ensure proper calibration and operation as specified by the manufacturer.

- The permittee shall maintain and operate the source in accordance with the manufacturer's specifications or in accordance with good air pollution control practices.

**10-284D: Seneca Landfill, Inc.** (421 Hartmann Road, Evans City, PA 16033) for construction of a 4,000 cfm landfill gas (LFG) processing plant to separate methane from the raw LFG and deliver the methane for sale to a natural gas utility pipeline in Jackson Township, **Butler County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval at Title V facilities in accordance with 25 Pa. Code § 127.44. 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. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate BAT for the source:

- 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 filterable particulate matter (FPM) in a manner that the concentration of FPM in the effluent gas exceeds 0.02 grain per dry standard cubic foot.

- The thermal oxidizer (C103) 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% O<sub>2</sub>. 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).

- Stack test for VOC (NMOC).

- 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:

- Thermal Oxidizer combustion zone temperature—continuously defined as at least once every 15 minutes

- 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 thermocouple or equivalent to measure combustion zone temperature of the control device.

- All gauges employed by the permittee to monitor the required control device (C103) operating parameters 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.

- Control device operating parameters, including combustion chamber temperature, shall be operated in a range defined by the manufacturer or in a range developed during compliant stack testing. The operating range of the combustion chamber shall be operated at a minimum temperature of 1,200° F or shall be determined within 90 days after startup of the control device and shall be indicated to the Department in writing prior to administratively amending into the facility operating permit. The operating range shall be made part of the facility operating permit.

- 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.

#### OPERATING PERMITS

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

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Barbara Hatch, Facilities Permitting Chief, (412) 442-4174.*

**11-00370: Laurel Highlands Landfill, Inc.** (625 Cherrington Parkway, Moon Township, PA 15108) a draft Operating Permit renewal for their municipal solid waste landfill in Jackson Township, **Cambria County**. Company operates landfill, gas control system and soil processing system at this site. The facility wide potential emissions of air contaminants are 28.65 tpy of NO<sub>x</sub>, 0.45 tpy of SO<sub>x</sub>, 12.45 tpy of VOCs, 51.70 tpy of PM<sub>10</sub> and 56.43 tpy of CO. The draft Operating Permit contains applicable emission limits, as well as testing, monitoring, recordkeeping and reporting requirements.

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

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428, Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.*

**09-00115: Draper DBS, Inc.** (1803 North 5th Street, Perkasio, PA 18944) for a State-only, Synthetic Minor Operating Permit in East Rockhill Township, **Bucks County**. Draper designs, manufactures and finishes custom wood cabinetry. The facility operates four spray booths in which the primary pollutants of concern are VOCs and HAPs. The company has elected to take appropriate operating and emission restrictions to restrict VOC emissions to below 24.9 tpy and maintain a minor operating status. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

**09-00136: Powdersize, Inc.** (20 Pacific Drive, Quakertown, PA 18951-3601) for operation of pulverizing powder form products to meet customer specifications in Richland Township, **Bucks County**. This action is a renewal of the State-only Operating Permit (Natural Minor). The original State-only Operating Permit was issued on January 29, 2004. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting designed to keep the facility operating within all applicable air quality requirements.

**46-00171: John Evans' Sons, Inc.** (1 Spring Avenue, Lansdale, PA 19446) for renewal of a Non-Title V Facility, State-only, Natural Minor Permit in Lansdale Borough, **Montgomery County**. John Evans' Sons, Inc. operates a boiler, a parts washer, and a number of spring forming machines. The facility has a potential to emit 3 tons of HAPs per year, 2.17 tons of NO<sub>x</sub> per year and 3.15 tons of VOCs per year. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

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

**67-03013: Georgia-Pacific Corrugated, LLC** (25 Walnut Street, Mount Wolf, PA 17347) for operation of a corrugated paper production facility in Mount Wolf Borough, **York County**. This action is a renewal of the State-only operating permit issued in 2004.

**67-03018: Penn-Mar Castings, Inc.** (500 Broadway, Hanover, PA 17331) for operation of an iron foundry in Hanover Borough, **York County**. This action is a renewal of the State-only operating permit issued in 2003.

**67-05020: Exelon Generation Co.** (1848 Lay Road, Delta, PA 17314) for operation of boilers, emergency generators and cooling towers at the Peach Bottom Power Plant in Peach Bottom Township, **York County**. This

action will convert the plant's previous Title V operating permit into a State-only operating permit during the scheduled renewal.

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

**41-00020: Keystone Filler & Manufacturing Company, Inc.** (214 Railroad Street, Muncy, PA 17756) for the operation of a coal, shale, and the like processing facility in Muncy Creek Township, **Lycoming County**.

The facility incorporates three natural gas-fired rotary dryers (6 tph, 12 tph and 12 tph), numerous pieces of crushing, milling, screening, conveying, storage, bagging, truck and railcar loading, and the like equipment, two portable crushing plants, two portable screening plants, two diesel engines (200 horsepower and 96 horsepower), a solvent parts washer, five small natural gas and No. 2 fuel oil-fired boilers, water heaters and furnaces (with a total combined heat input of .809 mmBtu/hr), two small coal-fired stoves (with a total combined heat input of .17 mmBtu/hr) and a welding machine incorporating a 23 horsepower gasoline-fired engine.

The PM emissions from the facility are controlled by four water spray dust suppression systems (used on the portable crushing and screening plants) and 14 fabric collectors and cartridge collectors which exhaust to the outdoor atmosphere as well as by a number of fabric collectors and cartridge collectors which exhaust inside.

The air contaminant emissions from the facility are not expected to exceed 72.08 tons of PM/PM10, 48.03 tons of CO, 9.14 tons of NOx, 4.77 tons of SOx and 3.2 tons of VOCs per year.

The Department of Environmental Protection (Department) 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 contained in a Consent Order and Agreement entered into on August 18, 2005, by Keystone Filler and Manufacturing, Inc. and the Department and conditions contained in Operating Permit 41-305-001C, issued on April 1, 1993; Operating Permit 41-305-004F, issued on June 29, 1999 (and subsequently amended on September 29, 2004.); Operating Permit 41-305-009B, issued on July 7, 1993, (and subsequently amended on April 19, 2000, November 2, 2001 and November 6, 2007) and Operating Permit 41-305-010A, issued on February 17, 1994 (and subsequently amended June 26, 2007).

The conditions previously contained in Operating Permit 41-305-001C include:

1. A condition limiting the fuel fired in the facility's No. 3 rotary dryer to natural gas.
2. A condition requiring spare bags to be kept onsite for the fabric collector used for the control of PM emissions from the facility's No. 3 rotary dryer and associated equipment.

The conditions previously contained in Operating Permit 41-305-004F include:

3. A condition requiring eight of facility's fabric collectors and cartridge collectors to be equipped with instrumentation to continuously monitor the pressure differential across the respective collectors.
4. A condition requiring spare bags and cartridges to be kept onsite for eight of the facility's fabric collectors and cartridge collectors.

5. A condition requiring the fugitive air contaminant emissions within the air space above the facility's No. 2 railcar loadout to be controlled by a 6 foot long by 6 foot wide hood equipped with 12 foot long vertically-oriented plastic strips along the entire perimeter of the hood and ducted to a specific fabric collector.

6. A condition requiring the fugitive air contaminant emissions within the air space above the facility's No. 7 storage silo railcar loadout to be controlled by an 8 foot long by 8 foot wide hood equipped with 12 foot long vertically-oriented plastic strips along the entire perimeter of the hood and ducted to the same fabric collector used for the No. 2 railcar loadout hood.

7. Conditions requiring each of the two hoods described previously to be ducted to the respective fabric collector, the plastic strips to be hanging vertically in place and the fabric collector to be operating at all times that loading operations are occurring within the respective hood.

8. A condition prohibiting the simultaneous use of the facility's No. 2 railcar loadout and the No. 7 storage silo railcar loadout and requiring the ductwork from the hood to the fabric collector for the nonoperating loadout to be closed off if the other of the two loadouts is in use.

9. A condition prohibiting the use of one of the facility's fabric collectors to control the air contaminant emissions from two different exhaust headers simultaneously.

The conditions previously contained in Operating Permit 41-305-009B include:

10. Conditions limiting the facility's Nos. 4 and 5 rotary dryers to no more than 4,192 hours of operation, each, in any 12-consecutive month period and to processing no more than 55,296 tons and 50,304 tons of material, respectively, in any 12-consecutive month period.

11. Conditions limiting the facility's No. 5 rotary dryer to the processing of anthracite coal, semi-anthracite coal and bituminous coal and the fuel fired in the respective dryer to natural gas.

12. Conditions limiting the NOx emissions from the facility's No. 5 rotary dryer to no more than .10 pound per million Btu of heat input and .84 ton in any 12-consecutive month period, its CO emissions to no more than .01 pound per million Btu of heat input and .09 ton in any 12-consecutive month period, its total hydrocarbon emissions to no more than .016 pound per million Btu of heat input and .14 ton in any 12-consecutive month period and its PM/PM10 emissions to no more than .01 grain per dry standard cubic foot of effluent gas volume, 1.65 pounds per hour and 3.47 tons in any 12-consecutive month period.

13. A condition prohibiting one of the facility's fabric collectors from being exhausted to the outdoor atmosphere without prior Department approval and limiting its PM/PM10 emissions to no more than .01 grain per dry cubic foot of effluent gas volume should approval ever be granted to exhaust outside.

14. Conditions requiring the loadout spout associated with the facility's No. 4 rotary dryer to be extended to the drum top when it is being used to load a drum and prohibiting the leather straps hanging from the bottom of the loadout spout from being tucked under the edge of the spout when the spout is being used to load a truck.

15. Conditions requiring the screen associated with the facility's No. 4 rotary dryer and the screen, bucket elevator and reject storage container associated with the No. 5 rotary dryer to be fully enclosed when in use.



16. A condition prohibiting visible fugitive air contaminant emissions from the feed bin, feed conveyor, truck loadout and railcar loadout associated with the facility's No. 5 rotary dryer and from the building housing the dryer.

17. A condition requiring the railcar loadout associated with the facility's No. 5 rotary dryer to incorporate a cap or cover that completely covers the loading hatch through which loading is occurring and a capture hood located over the cap or cover as well as both the cap or cover and capture hood to be ducted to a specific fabric collector and prohibiting the loading of open-topped railcars, the opening of any loading hatch other than the one through which loading is occurring and the loading of any railcar with a loading hatch larger than the cap or cover.

18. A condition prohibiting the use of the truck loadout associated with the facility's No. 5 rotary dryer from being used to load any trucks other than enclosed bulk material handling or tanker trucks, requiring the loadout to incorporate a cap or cover that completely covers the loading hatch through which loading is occurring and the cap or cover to be ducted to a specific fabric collector and prohibiting the opening of any loading hatch other than the one through which loading is occurring and the loading of any truck with a loading hatch larger than the cap or cover.

19. A condition requiring the railcar loadout and truck loadout associated with the facility's No. 5 rotary dryer to be located within a roofed structure which incorporates a curtain that completely surrounds all sides of the structure not directly adjacent to the building which houses the dryer and which extends from the roof of the structure to the top of the railcar or truck.

20. Conditions requiring the fabric collectors associated with the facility's Nos. 4 and 5 rotary dryers to be equipped with instrumentation to continuously monitor the inlet temperature of the fabric collectors, prohibiting the inlet temperature of the fabric collector associated with the No. 4 dryer from exceeding 425° F and requiring the No. 5 rotary dryer to be equipped with an interlock system that shuts down the dryer's burner if the fabric collector inlet temperature exceeds 300° F.

21. Conditions requiring the fabric collectors associated with the facility's Nos. 4 and 5 rotary dryers to be equipped with instrumentation to continuously monitor the pressure differential across the collectors, the compressed air systems supplying compressed air to the collectors to be equipped with an air dryer and oil trap and spare bags for the collectors to be kept onsite.

22. A condition requiring the maintenance of records of the number of hours the facility's Nos. 4 and 5 rotary dryers are operated each month and the amount of material processed through each dryer each month.

The conditions previously contained in Operating Permit 41-305-010A include:

23. A condition prohibiting the facility's Tesab portable crushing plant and Extec portable screening plant from processing metallic minerals.

24. A condition prohibiting the occurrence of visible fugitive air contaminant emissions from the facility's Tesab portable crushing plant and Extec portable screening plant.

25. A condition limiting the operation of the facility's Tesab portable crushing plant, as well as the 200 horsepower diesel engine incorporated therein, to no more than 2,080 hours in any 12-consecutive month period and the

operation of the Extec portable screening plant, as well as the 96 horsepower diesel engine incorporated therein, to no more than 2,080 hours in any 12-consecutive month period.

26. A condition requiring the 200 horsepower diesel engine incorporated in the facility's Tesab portable crushing plant to be equipped with a catalytic converter.

27. A condition limiting the NOx emissions from the 200 horsepower diesel engine incorporated in the facility's Tesab portable crushing plant to no more than 6.85 grams per horsepower-hour, 3.02 pounds per hour and 3.14 tons in any 12-consecutive month period, its CO emissions to no more than 2.0 grams per horsepower-hour, .89 pound per hour and .93 ton in any 12-consecutive month period, its total hydrocarbon emissions to no more than .97 gram per horsepower-hour, .43 pound per hour and .45 ton in any 12-consecutive month period and its PM emissions to no more than .4 gram per horsepower-hour, .18 pound per hour and .19 ton in any 12-consecutive month period.

28. A condition limiting the NOx emissions from the 96 horsepower diesel engine incorporated in the facility's Extec portable screening plant to no more than 6.5 grams per horsepower-hour, 1.38 pounds per hour and 1.44 tons in any 12-consecutive month period, its CO emissions to no more than 1.3 grams per horsepower-hour, .28 pound per hour and .29 ton in any 12-consecutive month period, its VOC emissions to no more than .3 gram per horsepower-hour, .064 pound per hour and .067 ton in any 12-consecutive month period and its PM emissions to no more than .1 gram per horsepower-hour, .021 pound per hour and .022 ton in any 12-consecutive month period.

29. A condition prohibiting the visible air contaminant emissions from the 200 horsepower and 96 horsepower diesel engines incorporated in the facility's Tesab and Extec portable crushing and screening plants from being equal to or in excess of 10% opacity for a period or periods aggregating more than 3 minutes in any 1 hour or being equal to or in excess of 30% at any time.

30. A condition limiting the sulfur content of the diesel fuel used in the 200 horsepower and 96 horsepower diesel engines incorporated in the facility's Tesab and Extec portable crushing and screening plants to no more than .3%, by weight.

31. A condition requiring the water spray dust suppression systems associated with the facility's two portable crushing plants and two portable screening plants to be connected to an ondemand water source capable of delivering an adequate supply of water any time the respective plant is in operation.

32. A condition requiring the maintenance of records of the number of hours the facility's Tesab portable crushing plant and associated 200 horsepower diesel engine and the facility's Extec portable screening plant and associated 96 horsepower diesel engine are operated each month.

33. A condition requiring truck tarping instructions to be posted in appropriate areas around the facility's portable crushing and screening plants.

The conditions previously contained in the Consent Order and Agreement entered into by Keystone Filler and Manufacturing Company, Inc. and the Department of Environmental Protection on August 18, 2005, include:

34. A condition requiring the permittee to maintain the condition of the pavement on certain specified portions of the facility property with an adequate asphalt material.

35. Conditions requiring one of the facility's street sweepers to be operated on all in-plant roadways and parking and storage areas and all adjacent public roadways for a minimum of 16 hours on all calendar weekdays, and 10 hours on all calendar weekend days, unless the facility operates less than 16 hours, or 10 hours, respectively, in a given day, in which case the street sweeper shall be operated for as many hours as the plant is operated.

36. Conditions requiring the permittee to test each of the facility's street sweepers once per calendar month to determine its effectiveness at vacuuming dust from roadways and other surfaces and to maintain, and submit on a quarterly basis, reports of these tests.

37. A condition requiring the maintenance, and quarterly reporting, of records for each of the facility's street sweepers of the dates operated, hours operated on each date, identification of the areas swept on each date, identification of the operator on each date, the number of times the street sweeper was emptied on each date and the type of maintenance performed on each date, if applicable.

38. A condition requiring the permittee to maintain an adequately anchored railroad tie protective barrier on the ground at the perimeter of all facility buildings in Area F to prevent vehicles from striking the buildings and creating holes and requiring the repair of any damage done to the barrier or buildings within seven calendar days of its occurrence.

39. Conditions requiring the permittee to immediately close the Railroad Street coal storage building overhead door after truck delivery and to keep it closed at all times other than when a truck delivery is occurring and to perform all inplant product dust transport using a tarped truck or trailer, a closed bucket loader or other contained transport system unless the material being transported is sufficiently wet to prevent fugitive air contaminant emissions.

40. Conditions requiring once-per-operating shift inspections to be performed on a number of air pollution control devices for pressure differential, the presence of visible air contaminant emissions in the control device exhaust and the presence of visible fugitive air contaminant emissions, requiring the immediate shutdown of any control device and its associated air contamination source if a pressure differential outside the range of good operating practice or visible air contaminant or visible fugitive air contaminant emissions are observed and requiring the maintenance, and quarterly reporting, of records of the pressure differential, visible air contaminant and visible fugitive air contaminant emission observations as well as the identity of the individual making each observation and a description of any maintenance performed on an air pollution control device as a result of an observation.

41. Conditions requiring once-per-operating shift surveillance to be performed of the facility from three designated offsite locations for the presence of visible air contaminant and visible fugitive air contaminant emissions from the facility, requiring the immediate shutdown of any source and associated air pollution control device observed to be emitting visible air contaminant or visible fugitive air contaminant emissions and requiring the maintenance and quarterly reporting, of records of the dates and times of each surveillance, the identity of the individual performing each surveillance, any visible air contaminant or visible fugitive air contaminant emissions noted and the identity of any corrective action taken.

42. Conditions requiring the maintenance, and quarterly reporting, of daily work records for each cleanup crew employee including employee name, date worked, total hours worked per date and a description of the work activities performed.

43. Conditions requiring new employees to be trained within 1 week of being hired of their responsibilities toward maintaining compliance with applicable Department Rules and Regulations, requiring weekly meetings of facility employees and requiring the maintenance, and quarterly reporting, of the minutes of the weekly meetings.

The new conditions the Department proposes to incorporate into the operating permit to be issued include:

44. A condition limiting the fuel used in the facility's No. 4 rotary dryer to natural gas.

45. Conditions requiring the quarterly reporting of the records maintained of the number of hours per month the facility's Nos. 4 and 5 rotary dryers are operated and the amount of material processed through each of these dryers each month.

46. Conditions requiring the quarterly reporting of the records maintained of the number of hours the facility's Tesab portable crushing plant and associated 200 horsepower diesel engine and the facility's Extec portable screening plant and associated 96 horsepower diesel engine are operated each month.

47. A condition prohibiting the use of solvents containing HAPs as intentionally-added ingredients in the facility's solvent parts washer.

48. Conditions requiring the maintenance, and quarterly reporting, of records of the identity and amount of solvent added to the solvents parts washer each month as well as the identity and amount of spent solvent removed from the parts washer each month.

49. A condition limiting the fuel used in the 23 horsepower engine incorporated in the facility's welder to virgin gasoline.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the address of the district mining office indicated above each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—34.

Written comments or objections related to a mining permit application should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

Requests for an informal conference, or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code §§ 77.123 or 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

Where a National Pollutant Discharge Elimination System (NPDES) number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. The Department has made a tentative determination to issue the NPDES permit in conjunction with the mining activity permit, but the issuance of the NPDES permit is contingent upon the approval of the associated mining activity permit.

For coal mining activities, NPDES permits, when issued, will contain effluent limits that do not exceed the technology-based effluent limitations. The proposed limits are listed in Table 1.

For noncoal mining activities, the proposed limits are found in Table 2. Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description below specifies the parameters. The limits will be in the ranges specified in Table 1.

More restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining that may occur, will be incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation—Memorandum of Understanding Concerning Water Quality Management, NPDES Program Implementation and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Loads (TMDLs).

Persons wishing to comment on an NPDES permit application should submit a statement to the Department at the address of the district mining office indicated previously each application within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92.61. The request or petition for a public hearing shall be filed within 30 days of this public notice and shall contain the name, address, telephone number and the interest of the party filing the request, and shall state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. In the case where a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

#### *Coal Applications Received*

*Effluent Limits*—The following range of effluent limits will apply to NPDES permits issued in conjunction with the associated coal mining activity permit and, in some cases, noncoal mining permits:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (Total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH <sup>1</sup>		greater than 6.0; less than 9.0	
Alkalinity greater than acidity <sup>1</sup>			

<sup>1</sup>The parameter is applicable at all times.

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

and revegetated; and drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

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

**26081602 and NPDES Permit No. PA0235750, Gallatin Fuels, Inc.,** (250 West Main Street, Uniontown, PA 15401), to operate the Lock 8 Barge Loading Facility in Springhill Township, **Fayette County** a new coal preparation plant and related NPDES permit. Surface Acres Proposed 26.5. Receiving Stream: Monongahela River, classified for the following use: WWF, N. The first downstream potable water supply intake from the point of discharge is Masontown Water Works and intake; Monongahela River. Application received July 23, 2008.

**03871303 and NPDES Permit No. PA0213667, TJS Mining, Inc.,** (2340 Smith Road, Shelocta, PA 15774), to revise the permit for the Darmac No. 2 Deep Mine in Washington Township, **Indiana County** to add underground and subsidence control plan area permit acres. Underground Acres Proposed 515.3, Subsidence Control Plan Acres Proposed 515.3, No additional discharges. Application received September 10, 2008.

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

**56980109 and NPDES No. PA0234931. Mountaineer Mining Corporation,** 1010 Garrett Shortcut Road, Berlin, PA 15530, permit renewal for reclamation only of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 35.5 acres. Receiving streams: UNTs to/and Hays Run, and UNTs to/and Buffalo Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received September 17, 2008.

**11880201 and NPDES No. PA0598208. 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 56.5 acres. Receiving streams: UNT to South Branch Blacklick Creek, South Branch of Blacklick Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received September 30, 2008.

**32970104 and NPDES No. PA0234401. Amfire Mining Company, LLC,** One Energy Place, Latrobe, PA 15650, permit renewal for reclamation only of a bituminous surface and auger mine in Grant Township, **Indiana County**, affecting 87.2 acres. Receiving streams: UNTs of Little Mahoning Creek to Little Mahoning Creek classified for the following use: HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received September 30, 2008.

**32030109 and NPDES No. PA0249505. Amfire Mining Company, LLC,** One Energy Place, Latrobe, PA 15650, permit renewal for reclamation only of a bituminous surface and auger mine in White Township, **Indiana County**, affecting 81.6 acres. Receiving streams: Two Lick Creek to Blacklick Creek to Conemaugh River classified for the following use: TSF. There are no potable water supply intakes within 10 miles downstream. Application received September 30, 2008.

**56813006 and NPDES No. PA0125466. PBS Coals, Inc.,** P. O. Box 260, 1576 Stoystown Road, Friedens, PA 15541, permit renewal for the continued operation and restoration of a bituminous surface mine in Stonycreek Township, **Somerset County**, affecting 285.9 acres. Receiving streams: UNTs to/and Clear Run; UNTs to/and Boone Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received September 29, 2008.

**56030105. PA0249726, Croner, Inc.,** P. O. Box 260, Friedens, PA 15541, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Brothersvalley Township, **Somerset County**, affecting 317.2 acres. Receiving streams: UNTs to/and Bluelick Creek and UNTs to/and Buffalo Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received September 29, 2008.

**56823033 and NPDES No. PA0607541. Croner, Inc.,** P. O. Box 260, 1576 Stoystown Road, Friedens, PA 15541, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Brothersvalley Township, **Somerset County**, affecting 126.6 acres. Receiving streams: UNTs to/and Blue Lick Creek and UNTs to/and Swamp Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received September 29, 2008.

**56763036 and NPDES No. PA0125015. Shade Landfill, Inc.,** 1176 No. 1 Road, Cairnbrook, PA 15924, permit renewal for reclamation only of a bituminous surface mine in Shade Township, **Somerset County**, affecting 83.4 acres. Receiving stream: Miller Run classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Stonycreek surface water intake. Application received September 24, 2008.

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

**02080102 and NPDES Permit No. PA0251500. Mashuda Corp.** (21101 Route 19, Cranberry Township, PA 16066). Application for commencement, operation and reclamation of a bituminous surface mine, located in North Fayette and Collier Townships, **Allegheny County**, affecting 163.8 acres. Receiving streams: UNTs to Robinson and Pinkertons Runs, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received October 1, 2008.

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

**33820121 and NPDES Permit No. PA0604623. Terry Coal Sales, Inc.** (P. O. Box 58, Distant, PA 16223-0058). Renewal of an existing bituminous surface strip and auger operation in Knox Township, **Jefferson County** affecting 144.0 acres. Receiving streams: UNTs of Sandy Lick Creek to Sandy Lick Creek, classified for the following use: CWF. Application for reclamation only. Application received October 1, 2008.

**10070105 and NPDES Permit No. PA0258512. T. C. Mining** (252 Lower Hayes Run Road, Kittanning, PA 16201). Revision to an existing bituminous surface strip operation in Concord and Clay Townships, **Butler County** affecting 191 acres. Receiving streams: UNTs to South Branch Slippery Rock Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Revision to add 4.0 acres to the permit, changing the acreage from 187 acres to 191 acres. Application received October 2, 2008.

**1642-10070105-E-1. T. C. Mining** (252 Lower Hayes Run Road, Kittanning, PA 16201). Application for a stream encroachment to remove and reconstruct approximately 500 feet of UNT No. 1A to South Branch Slippery Rock Creek. Receiving streams: UNTs to South Branch

Slippery Rock Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received October 2, 2008.

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

**17970102 and NPDES No. PA0220558. EnerCorp. Inc.** (1686 Allport Cutoff, Morrisdale, PA 16858), permit renewal for the continued operation and restoration of a bituminous surface mine in Graham Township, **Clearfield County**, affecting 58.9 acres. Receiving streams: Alder Run and Flat Run, both of which are classified for the following use: CWF. There are no

potable water supply intakes within 10 miles downstream. Application received September 15, 2008.

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

**22031301R. Ladnar, Inc.**, (1165 Trail Road, Hummels-town, PA 17036), renewal of an existing anthracite underground mine operation in Williams Township, **Dauphin County** affecting 3.0 acres, receiving stream: none. Application received September 29, 2008.

*Noncoal Applications Received*

*Effluent Limits*—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

Parameter	Table 2		
	30-day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

**26082805. Mon River Energy Corp.** (P. O. Box 466, Brier Hill, PA 15415). Application for a small noncoal surface mine, located in Luzerne Township, **Fayette County**, affecting 4.86. Receiving stream: Monongahela River, classified for the following use: WWF. Application received September 19, 2008.

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

**37930305. Three Rivers Aggregates** (P. O. Box 6090, Falmouth, VA 22403). Renewal of NPDES Permit No. PA0211745, Plain Grove Township, **Lawrence County**. Receiving streams: UNT to Taylor Run and Taylor Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. NPDES Renewal application received September 30, 2008.

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

**39870302C8 and NPDES Permit No. PA0594326. Haines & Kibblehouse, Inc.**, (P. O. Box 196, Skippack, PA 19474), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in South Whitehall Township, **Lehigh County**, receiving stream: Jordan Creek, classified for the following uses: TSF and MF. Application received September 26, 2008.

**7973SM1C3 and NPDES Permit No. PA0595683. Haines & Kibblehouse, Inc.**, (P. O. Box 196, Skippack, PA 19474), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Penn Forest Township, **Carbon County**, receiving stream:

Stony Creek, classified for the following use: EV. Application received September 26, 2008.

**5878SM3C4 and NPDES Permit No. PA0595691. Haines & Kibblehouse, Inc.**, (P. O. Box 196, Skippack, PA 19474), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Penn Forest Township, **Carbon County**, receiving stream: Stony Creek, classified for the following use: EV. Application received September 26, 2008.

**5273SM2C13. Hanson Aggregates Pennsylvania, Inc.**, (P. O. Box 231, Easton, PA 18044), an incidental boundary correction from 245.4 acres to 247.3 acres in Thornbury and Middletown Townships, **Delaware County**, receiving stream: Chester Creek, classified for the following use: TSF. Application received September 29, 2008.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E02-301-A. Pittsburgh Terminals Corporation, P. O. Box 2621, Harrisburg, PA 17105.** To amend permit No. E02-301 in Moon Township, **Allegheny County**, United States Army Corps of Engineers, Pittsburgh District (Ambridge, PA Quadrangle N: 4.8 inches; W: 6.8 inches, Latitude: 40° 31' 36"; Longitude: 80° 10' 27"). The applicant proposes to amend permit No. E02-301 which authorized the operation and maintenance of an existing docking facility located along the left bank of the Ohio River near Mile Point 10.9. This amendment will authorize the removal of an existing mooring cell and the construction and maintenance of a new 10-ft diameter mooring cell within the existing facility.

**E26-350. County of Fayette**, Court House, 61 East Main Street, Uniontown, PA 15401. To construct and maintain a superstructure in Dunbar Township, **Fayette County**, United States Army Corps of Engineers, Pittsburgh District (South Connellsville, PA Quadrangle N: 18.09 inches; W: 16.42 inches, Latitude: 39° 58' 29"; Longitude: 79° 37' 02"). The applicant proposes to construct and maintain a superstructure on the existing abutments and to remove the central pier of an abandoned railroad bridge having a clear span of 75 feet and an underclearance of 11 feet across Dunbar Creek (TSF) as part of a proposed bicycle and pedestrian trail. The project is located in Dunbar Borough.

**E26-351. Terry and Norma Shallenberger**, 2611 Memorial Boulevard, Connellsville, PA 15425. To construct a retaining wall in Bullskin Township, **Fayette County**, United States Army Corps of Engineers, Pittsburgh District (Connellsville, PA Quadrangle N: 7.6 inches; W: 10.7 inches, Latitude: 40° 2' 31"; Longitude: 79° 34' 35"). The applicant proposes to construct and maintain a precast concrete retaining wall approximately 50 feet long located along the right bank side of Mounts Creek (WWF). The project is located in the northeast corner of the intersection of SR 119 and SR 1035 (Bellview Road).

**E30-223. Consol Pennsylvania Coal Company, LLC**, 1525 Pleasant Grove Road, Claysville, PA 15323. To

operate and maintain a relocated channel in Richhill Township, **Greene County**, United States Army Corps of Engineers, Pittsburgh District (New Freeport, PA Quadrangle N: 21.61 inches; W: 13.68 inches, Latitude: 39° 52' 8.43"; Longitude: 80° 28' 21"). The applicant proposes to operate and maintain a 135 foot long relocated channel of a UNT to South Fork Dunkard Fork (TSF) that was constructed on September 4, 2008, under the Department of Environmental Protection's Emergency Permit No. EP3008210 due to the recent landslide. The project is located at the Bailey Mine area.

**E32-339 A2. Reliant Energy Northeast Management Company**, 121 Champion Way, Suite 200, Canonsburg, PA 15317-5817. To amend permit E32-339 which authorized the construction of multiple arch culverts, relocate a channel and fill wetlands in West Wheatfield Township, **Indiana County**, United States Army Corps of Engineers, Pittsburgh District (New Florence, PA Quadrangle N: 2.4 inches; W: 9.3 inches, Latitude: 40° 23' 18"; Longitude: 70° 4' 0"). The applicant proposes to amend permit E32-339 which authorized the construction and maintenance of 9-foot 6-inch by 6-foot 5-inch CMP arch culvert in a Tributary to the Conemaugh River (WWF) under railroad Spurs A and B. To relocate and maintain 160 LF of channel beginning at Spur B culvert inlet, and to construct and maintain three 7-foot by 5-foot 1-inch CMP arch culverts under Spur A and two equal size culverts under Spur B for crossing of a wetland area. To place and maintain fill in 1.62 acres of wetlands. The impacts were part of the expansion of the existing Conemaugh Generating Station Units and the construction of the processing and storage building, material handling equipment, a railroad spur and access road located 500 feet east of SR 711 (New Florence, PA Quadrangle N: 2.4 inches; W: 9.9 inches) in West Wheatfield Township, Indiana County.

The permit was amend on May 17, 2006, which authorize the placement and maintenance of fill in three wetlands for a total impact of 0.03 acre; the placement and maintenance of fill along the right bank floodway of the Conemaugh River for a total length of approximately 2,000 feet; the extension and maintenance of the height of an existing endwall by 1-foot on a UNT to the Conemaugh River (WWF); and the extension of the length of an existing culvert by 6-feet located on another UNT to the Conemaugh River (WWF). Both are located in a Watershed with drainage areas under 100 acres. The amendment was for the construction of a new rail track to facilitate coal rail car operations at the Conemaugh Power Station (The project begins at New Florence, PA Quadrangle N: 2.2 inches; W: 8.1 inches, Latitude: 40° 23' 16"; Longitude: 79° 4' 24" and the Project ends at N: 1.9 inches; W: 9.5 inches, Latitude: 40° 23' 07"; Longitude: 79° 03' 27").

This amendment will authorize the construction and maintenance of a retaining wall 70-foot long and 8-foot high located along the left bank of a UNT to the Conemaugh River (WWF), to stabilize the stream embankment located beneath the existing "A" Belt conveyor. The project is located near the Conemaugh Generating Station (New Florence, PA Quadrangle N: 2.4 inches; W: 9.3 inches, Latitude: 40° 23' 18"; Longitude: 70° 4' 0") in West Wheatfield Township, Indiana County.

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

**E25-724. City of Erie**, 626 State Street, Erie, PA 16501. Lake Erie Arboretum at Frontier Park, in the City of Erie, Erie County, United States Army Corps of

Engineers, Pittsburgh District (Erie South, PA Quad-angle N: 42° 07' 00"; W: 80° 07' 00").

To construct and maintain one 40' long by 8' wide and one 20' long and 8' wide pedestrian bridge over Cascade Creek (WWF) at the NW corner of the intersection of West 8th Street and the Bayfront Parkway in Frontier Park.

#### **WATER QUALITY CERTIFICATION REQUEST**

*Statewide applicability: Bureau of Water Standards and Facility Regulation, 11th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8467.*

By letter dated July 7, 2008, the Environmental Protection Agency (EPA) requested that the Department of Environmental Protection make a written determination

regarding certification under Section 401 of the Clean Water Act with respect to a draft NPDES General Permit for Discharges Incidental to the Normal Operation of Commercial and Large Recreational Vessels. Notice of the draft general permits was published in the *Federal Register* on June 17, 2008 (73 FR 34296). The proposed General Permit would generally apply to discharges incidental to the normal operation of vessels that are greater than 79 feet long (with certain exceptions) into waters of the United States. Copies of the draft permit and the accompanying Fact Sheet are available by contacting Christopher Whiteash at the previous address or may be procured electronically through the EPA web site or by sending an e-mail request to EPA at [CommercialVesselPermit@epa.gov](mailto:CommercialVesselPermit@epa.gov).

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## **ACTIONS**

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

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

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment
Section III	WQM	Industrial, sewage or animal 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

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

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

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

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

**I. NPDES Renewal Permit Actions**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA-0064271 (Minor Sewage)	Michael A. and Lisa A. Mason 4926 Main Road West Emmaus, PA 18049	Lehigh County Upper Milford Township	UNT to Leibert Creek 2C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PAG2003603079-R	Nelson Wenger 1805 Swamp Bridge Road Stevens, PA 17678	Lancaster County Penn Township	UNT Chiques Creek WWF	Y
PAR100354-R	Murry Development Corporation 1899 Lititz Pike Lancaster, PA 17601	Lancaster County Manor Township	Conestoga River WWF	Y
PAG2003603024-R	FLM Development Co., Inc. 805 Estelle Drive Lancaster, PA 17601	Lancaster County East Hempfield Township	UNT Swarr Run CWF	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. PA0052868**, Industrial Waste, **BAE Systems**, P. O. Box 868, MER 12-1506, Nashua, NH 03061-0868. This proposed facility is located in Montgomery Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated groundwater from an air stripping tower from the facility located at 305 Richardson Road, Lansdale, PA 19446 into a UNT to West Branch Neshaminy Creek in Watershed 2F-Neshaminy.

**NPDES Permit No. PA0058475**, Sewage, **Bucks County Water and Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976. This proposed facility is located in Plumstead Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage from Timberly Farms STP into Geddes Run in Watershed 2D.

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

**NPDES Permit No. PA0261106**, Industrial Waste, **Vioth Siemens Hydro Power Generations, Inc.**, 760 East Berlin Road, York, PA 17405-8701. This proposed facility is located in West Manchester Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to dry swale in Watershed 7-F.

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

**NPDES Permit No. PA0253847**, Sewage, **G. Lynn Waugaman**, 447 South Shore Trail, Central City, PA 15926. This proposed facility is located in Indiana Lake Borough, **Somerset County**.

Description of Proposed Action/Activity: Permit issuance for single-residence sewage treatment plant discharge.

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

**NPDES Permit No. PA0240176**, Sewage, **Karen and Roger D. Summerlin**, 5037 Oak Bluff Drive, High Ridge, MO 63049-1408. This proposed facility is located in Hamlin Township, **McKean County**.

Description of Proposed Action/Activity: Permit for a new treated nonmunicipal sewage discharge from a single-residence.

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

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

**WQM Permit No. 4008403**, Sewerage, **Department of Corrections**, State Correctional Institution at Dallas, Follies Road, Drawer K, Dallas, PA 18612-0286. This facility is located in Jackson Township, **Luzerne County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for the upgrade of a 450,000 gpd wastewater treatment facility, to utilize sequencing batch reactor treatment.

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

**WQM Permit No. 5608403**, Sewerage, **G. Lynn Waugaman**, 447 South Shore Trail, Central City, PA 15926. This proposed facility is located in Indian Lake Borough, **Somerset County**.



Description of Proposed Action/Activity: Permit issuance for the construction and operation of a single-residence sewage treatment plant.

**WQM Permit No. 1197403-A3**, Sewerage, **Forest Hills Municipal Authority**, P. O. Box 111, South Fork, PA 15956. This existing facility is located in Conemaugh Township, **Cambria County**.

Description of Proposed Action/Activity: Permit amendment issuance for the construction of an additional aerobic digester and accompanying blower at the Forest Hills Municipal Authority STP.

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

**WQM Permit No. WQG018651**, Sewerage, **Eric Brace**, 5340 West Stancliff Road, McKean, PA 16426-1743. This proposed facility is located in McKean Township, **Erie County**.

Description of Proposed Action/Activity: A Single-Residence Sewage Treatment Plant.

**WQM Permit No. WQM4208403**, Sewerage, **Karen and Roger D. Summerlin**, 5037 Oak Bluff Drive, High Ridge, MO 63049-1408. This proposed facility is located in Hamlin Township, **McKean County**.

Description of Proposed Action/Activity: A Single-Residence Sewage Treatment Plant.

**WQM Permit No. WQG018649**, Sewerage, **Rosalyn Strelow**, 919 West 18th Street, Erie, PA 16502. This proposed facility is located in LeBoeuf Township, **Erie County**.

Description of Proposed Action/Activity: A Single-Residence Sewage Treatment Plant.

**WQM Permit No. 2508201**, Industrial Waste, **Borough of Wattsburg**, P. O. Box 136, Wattsburg, PA 16442. This proposed facility is located in Venango Township, **Erie County**.

Description of Proposed Action/Activity: An onlot seepage bed is proposed to serve an existing water treatment system owned by the Borough of Wattsburg on Lowville Street in Venango Township, Erie County. The onlot system will treat wastewater from a utility sink and backwash water from arsenic filters.

#### 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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024507014	Noor Abdel-All R. R. 1 Box 1684 Merry Hill Road Cresco, PA 18326	Monroe	Paradise Township	Tributary to Paradise Creek HQ-CWF

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

*Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041403006R	Richard Kalin Stearns Boal, LP Antioch Church 100 North Patterson Street State College, PA 16803	Centre	College Township	Spring Creek HQ-CWF

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

*Beaver County Conservation District, 156 Cowpath Road, Aliquippa, PA 15001, (724) 378-1701.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050408002	Christopher David Turnpike Commission Western Regional Office 2200 North Center Avenue New Stanton, PA 15672	Beaver	Big Beaver Borough	UNT to Jordan Run HQ-CWF

*Somerset County Conservation District, 6024 Glades Pike, Suite 103, Somerset, PA 15501, (814) 445-4652.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI055607004	Douglas Colbeck, VP Stony Creek Wind Farm, LLC 812 San Antonio Street Suite 201 Austin, TX 78701	Somerset	Allegheny, Shade and Stonycreek Townships	Dark Shade Creek CWF Coal Run CWF Clear Run CWF Boone Run CWF Breastwork Run HQ-CWF Rhoads Creek CWF and Wills Run HQ-CWF

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

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

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

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

#### *General Permit Type—PAG-2*

##### *Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Plains Township Luzerne County	PAG2004008016	Geisinger Health System Attn: William Gladish 100 North Academy Avenue Danville, PA 17822	Mill Creek CWF	Luzerne County Conservation District (570) 674-7991
Lehigh Township Northampton County	PAG2004808015	3-M Management Group, LLC Attn: Jeffery Bayuk P. O. Box 228 Bath, PA 18014	Hokendauqua Creek CWF	Northampton County Conservation District (610) 746-1971
City of Allentown Lehigh County	PAG2003908012	Robert Sperling Allentown School District 1301 Sumner Avenue Allentown, PA 18102	Jordan Creek TSF, MF	Lehigh County Conservation District (610) 391-9583

*Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Receiving  
Water/Use**Contact Office &  
Phone No.*

Montgomery  
Township  
Franklin County

PAG2002808029

Starliper Subdivision  
Darold Starliper  
7237 Charlestown Road  
Mercersburg, PA 17236

Blue Spring  
CWF

Franklin County  
Conservation District  
100 Sunset Boulevard  
West  
Chambersburg, PA 17201  
(717) 264-8074, Ext. 5

Harrison Township  
Bedford County

PAG2030508014

Fair Family Farm, LLC  
3949 Allegheny Road  
Manns Choice, PA 15550

Raystown Branch  
Juniata  
TSF

Bedford County  
Conservation District  
702 West Pitt Street  
Suite 3  
Fairlawn Court  
Bedford, PA 15522  
(814) 623-7900, Ext. 3

South Lebanon  
Township  
Lebanon County

PAG2003808018

Carl Smith  
Everlast Roofing, Inc.  
239 North 5th Avenue  
Lebanon, PA 17046

Quittapahilla Creek  
TSF

Lebanon County  
Conservation District  
2120 Cornwall Road  
Suite 5  
Lebanon, PA 17042  
(717) 272-3908, Ext. 4

South Londonderry  
Township  
Lebanon County

PAG2003807028

Thomas B. Richey  
Cedar Shopping Centers,  
Inc.  
3307 Trindle Road  
Camp Hill, PA 17011

Spring Creek  
WWF

Lebanon County  
Conservation District  
2120 Cornwall Road  
Suite 5  
Lebanon, PA 17042  
(717) 272-3908, Ext. 4

North Lebanon  
Township  
Lebanon County

PAG2003807027

Daniel R. Yearick  
Grosfillex  
1575 Joel Drive  
Lebanon, PA 17046

UNT to Quittapahilla  
Creek  
TSF

Lebanon County  
Conservation District  
2120 Cornwall Road  
Suite 5  
Lebanon, PA 17042  
(717) 272-3908, Ext. 4

South Londonderry  
Township  
Lebanon County  
Conewago Township  
Dauphin County

PAG2003807032

Ray Neilson  
HMS Hose Corporation  
6600 Rockledge Drive  
Bethesda, MD 20817

Conewago Creek  
TSF

Lebanon County  
Conservation District  
2120 Cornwall Road  
Suite 5  
Lebanon, PA 17042  
(717) 272-3908, Ext. 4

North Lebanon  
Township  
Lebanon County

PAG2003808016

Anthony Pariti  
Joseph John  
Pennsylvania Realty,  
LLC  
10 Keyland Court  
Bohemia, NY 11716

Quittapahilla Creek  
TSF

Lebanon County  
Conservation District  
2120 Cornwall Road  
Suite 5  
Lebanon, PA 17042  
(717) 272-3908, Ext. 4

Manchester  
Borough  
York County

PAG2006708053

Jim Denniston  
Village Realty  
410 Orchard Court  
Red Lion, PA 17356

UNT to Musser Run  
WWF

York County Conservation  
District  
118 Pleasant Acres Road  
York, PA 17402  
(717) 840-7430

Hampden Township  
Cumberland County

PAG2002108016

Shree Gurudev, Inc.  
350 Bent Creek  
Boulevard  
Mechanicsburg, PA 17050

Conodoguinet Creek  
WWF

Cumberland County  
Conservation District  
310 Allen Road  
Suite 301  
Carlisle, PA 17013  
(717) 240-7812

Spring Township  
Berks County

PAG2000608055

Larry Bortz  
Wilson School District  
2601 Grandview  
Boulevard  
West Lawn, PA 19609

Cacoosing Creek  
CWF-MF

Berks County  
Conservation District  
1238 County Welfare  
Road  
Suite 200  
Leesport, PA 19533-9710  
(610) 372-4657, Ext. 201

## NOTICES

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<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Centre Township Centerport Borough Berks County	PAG2000608042	Brian Kobularcik Metropolitan Development Group 1030 Reed Avenue Wyomissing, PA 19610	Plum Creek WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Hamburg Borough Berks County	PAG2000607086(1)	Mark Fretz Hamburg Area School District 701 Windsor Street Hamburg, PA 19526	Kaercher Creek WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Exeter Township Berks County	PAG2000608053	John Faust Diamond Credit Union 1600 Medical Drive Pottstown, PA 19464	UNT to Heisters Creek-Molasses Creek WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Bethel Township Berks County	PAG2000608023	Cliff Braunstein Trammell Crow Development & Investment, Inc. 300 Conshohocken State Road Suite 250 West Conshohocken, PA 19428	Crosskill Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Bradford County Troy Township	PAG2000808006	Tracy Gregory Fortuna Energy, Inc. 337 Daniel Zenker Drive Horseheads, NY 14845	UNT to North Branch Towanda Creek CWF	Bradford County Conservation District Stoll Natural Resource Center R. R. 5 Box 5030C Towanda, PA 18848 (570) 265-5539, Ext. 6
Snyder County West Perry Township	PAG2005508007	Dale Maneval 11203 Route 35 Mt. Pleasant Mills, PA 17853	UNT to North Branch Mahantango Creek CWF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, Ext. 5
Armstrong County North Apollo Borough	PAG2000308005	North Apollo Church of God 507 20th Street North Apollo, PA 15673	Kiskiminstas River WWF	Armstrong County Conservation District (724) 548-3425
Cambria County Cambria Township	PAG2001108005	Edwin Long Emerald Estates, Inc. 3133-73 New Germany Road Ebensburg, PA 15931	South Branch Blacklick Creek CWF	Cambria County Conservation District (814) 472-2120
Fayette County Bullskin Township	PAG2002608016	Roger Russo PSI-Packaging Services, Inc. 2245 Industrial Drive Connellsville, PA 15425	Mounts Creek WWF	Fayette County Conservation District (724) 438-4497

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Washington County Hopewell Township	PAG2006308002	Range Resources— Appalachia, LLC 380 Southpointe Boulevard Suite 300 Canonsburg, PA 15317	Brush Run WWF	Washington County Conservation District (724) 229-6774
Washington County Peters Township	PAG2006308015	Thomas McCloskey 298 McCombs Road Venetia, PA 15367	Chartiers Creek WWF	Washington County Conservation District (724) 229-6774
Elk County City of St. Marys	PAG2002408002	Albert Prechtl 300 Bruxelles Street St. Marys, PA 15857	Elk Creek CWF	Elk County Conservation District (814) 776-5373
Erie County Millcreek Township	PAG2002506021(1)	Donald, Anthony, Paul Pastore 2315 West Grandview Boulevard Erie, PA 16505 Laurel Springs Phase II	Walnut Creek CWF; MF	Erie County Conservation District (814) 825-6403
Erie County Fairview Township	PAG2002507028(1)	Erie County Library 160 East Front Street Erie, PA 16507 Erie County Library—Fairview Branch	Walnut Creek CWF, MF	Erie County Conservation District (814) 825-6403

*General Permit Type—PAG-3*

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Whitehall Township Lehigh County	PAR202225	Bridesburg Foundry Co. P. O. Box 269 Whitehall, PA 18052-0269	Lehigh River	DEP—NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
South Huntingdon Township Westmoreland County	PAR606192	R & R Auto Recycling 555 Sutersville Road West Newton, PA 15089	Youghiogheny River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Millcreek Township Erie County	PAR808362	UPS Ground Freight 1000 Semmes Avenue Richmond, PA 23224	UNT to Cascade Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Barkeyville Borough Venango County	PAR808384	Team Hardinger 1314 West 18th Street Erie, PA 16502	UNT to East Branch Wolf Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-4*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
West Brandywine Township Chester County	PAG040011	Andrew and Gail Woods 1261 North Manor Road Honey Brook, PA 19344-9500	Indian Creek Watershed 3H	Southeast Region 2 East Main Street Norristown, PA 19401
West Caln Township Chester County	PAG040099	Russell H. Vreeland 219 Valley Green Drive Coatesville, PA 19320	Rock Run Watershed 3H	Southeast Region 2 East Main Street Norristown, PA 19401
Adams County Butler Township	PAG043507	John Longanecker 10 Windbriar Lane Gettysburg, PA 17325	Opposum Creek TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
McKean Township Erie County	PAG049465	Eric Brace 5340 West Stancliff Road McKean, PA 16426-1743	UNT to Lamson Run 15-EC	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
LeBoeuf Township Erie County	PAG049463	Rosalyn Strelow 919 West 18th Street Erie, PA 16502	UNT to French Creek 16A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Wilmington Township Lawrence County	PAG049462	Ronald L. Garrett 571 September Lane New Wilmington, PA 16142	UNT to Little Neshannock Creek 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-5*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Peters Township Washington County	PAG056103	Snyder's Auto Service 801 East McMurray Road Venetia, PA 15367-1004	Tributary of Brush Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
City of Pittsburgh, Allegheny County	PAG056106	Sunoco 351 Stanhope Street McKees Rocks, PA	Chartiers Creek Ohio River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
East Huntingdon Township Westmoreland County	PAG056110	Groomes Transit, Inc. 5506 Scottdale Dawson Road Scottdale, PA 15683	Jacobs Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Center Township Beaver County	PAG056124	On Line, Inc. 1479 Old Brodhead Road Monaca, PA	UNT to Moon Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Verona Borough Allegheny County	PAG056133	Outboard Haven Marina 28 Arch Street Verona, PA 15147	Allegheny River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Somerset Township Somerset County	PAG056135	Somerset Fuel Company, Inc. P. O. Box 430 Somerset, PA 15501	Coxes Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Peters Township Washington County	PAG056136	Giant Eagle, Inc. 101 Kappa Drive RIDC Park Pittsburgh, PA 15238	UNT of Brush Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Bullskin Township Fayette County	PAG056141	Honey Bear Mini Mart 2561 Memorial Boulevard Connellsville, PA 15425	Mounts Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Canton Township Washington County	PAG056144	Allstar Express 860 Henderson Avenue Washington, PA 15301	Chartiers Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
City of Washington Washington County	PAG056146	United Refining Company of PA P. O. Box 688 11 Bradley Street Warren, PA 16365	UNT of Catfish Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000 Location: Municipality & County
Upper Saint Clair Township Allegheny County	PAG056147	Sunoco, Inc. 5733 Butler Street Pittsburgh, PA 15201	McLaughlin Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
City of Greensburg Westmoreland County	PAG056154	R. L. Smeltz Oil Company, Inc. 241 Broadview Road New Stanton, PA 15672	Jacks Run to Sewickley Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

## NOTICES

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<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Hempfield Township Westmoreland County	PAG056160	Sunoco, Inc. 5733 Butler Street Pittsburgh, PA 15201-2115	UNT, East to West, along Northern Jacks Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Mt. Pleasant Borough Westmoreland County	PAG056163	Mountain Gateway Convenience Store HC Box 65 Mt. Pleasant, PA 15666	Jacobs Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
City of Jeannette Westmoreland County	PAG056162	Maloy's Amoco 331 Kemerer Drive Greensburg, PA 15601	Tributary of Brush Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
City of Monessen Westmoreland County	PAG056164	R. L. Smeltz Oil Company, Inc. 725 South Main Street Box 100 Greensburg, PA 15601	UNT of the Monongahela River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
New Sewickley Township Beaver County	PAG056166	United Refining Company of PA P. O. Box 688 11 Bradley Street Warren, PA 16365	UNT to Dutchman Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
City of Uniontown Fayette County	PAG056168	Fikes Dairy 47 West Craig Street Uniontown, PA 15401	UNT of Redstone Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Wharton Township Fayette County	PAG056169	Nemacolin Woodlands, Inc. 1019 Route 519 Eighty Four, PA 15330	UNT of Deadman Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
City of Washington Washington County	PAG056170	Coen Oil Company P. O. Box 34 1045 West Chestnut Street Washington, PA 15301	Chartiers Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000



*General Permit Type—PAG-10**Facility Location:**Municipality & County**Permit No.**Applicant Name & Address**Receiving Water/Use**Contact Office & Phone No.*Plum Creek Township  
Armstrong County

PAG106113-A1

Reliant Energy  
Northeast Management Company  
121 Champion Way  
Suite 200  
Canonsburg, PA 15317UNT to Horney Run to  
the Allegheny RiverSouthwest Regional Office  
Water Management  
Program Manager  
400 Waterfront Drive  
Pittsburgh, PA  
15222-4745  
(412) 442-4000**STATE CONSERVATION COMMISSION****NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)**

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under the act of July 6, 2005 (Act 38 of 2005, 3 Pa.C.S. §§ 501—522) (hereinafter referred to as Act 38), for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92. This notice is provided in accordance with 25 Pa. Code Chapter 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

Persons aggrieved by any action may appeal under section 517 of Act 38, section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachael Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

**NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET—ACTIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Steve Hershey 2024 Donegal Springs Road Mount Joy, PA 17552	Lancaster	125.6	429.69	Layers/Steer	HQ	Approved
Randall S. Andrews Spring Maple Farm 421 Penn Grant Road Lancaster, PA 17602	Lancaster	253	433.8	Broilers	HQ	Approved
Steven L. Hershey 866 Bridge Valley Road Columbia, PA 17512	Lancaster	0	1,802.64	Layers	N/A	Approved
John A. Wanner Wanner's Pride-N-Joy 5800 Wanner Road Narvon, PA 17555	Lancaster	529.5	1,334.87	Dairy	HQ	Approved

## PUBLIC WATER SUPPLY (PWS) PERMITS

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania 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

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

##### Permit No. 0907524, Public Water Supply.

Applicant	<b>Yorkshire Meadows Condominium Association</b> 975 Easton Road Warrington, PA 18976
Township	Solebury
County	<b>Bucks</b>
Type of Facility	PWS
Consulting Engineer	Ebert Engineering P. O. Box 540 4092 Skippack Pike Suite 202 Skippack, PA 19474
Permit to Construct Issued	October 3, 2008

##### Permit No. 2308503, Public Water Supply.

Applicant	<b>Aqua Pennsylvania, Inc.</b> 762 West Lancaster Avenue Bryn Mawr, PA 19010
Township	Marple

County	<b>Delaware</b>
Type of Facility	PWS
Consulting Engineer	CET Engineering Services, Inc. 1240 North Mountain Road Harrisburg, PA 17112
Permit to Construct Issued	September 12, 2008

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

##### Permit No. 4808502, Public Water Supply.

Applicant	<b>Bethlehem Authority</b> 10 East Church Street Bethlehem, PA 18018 Lehigh Township
County	<b>Northampton</b>
Type of Facility	PWS
Consulting Engineer	Craig Murray, P. E. Malcolm Pirnie, Inc. 111 South Independence Mall—East Suite 1010 Philadelphia, PA 19106-2526
Permit to Construct Issued	September 30, 2008

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

##### Permit No. 3608505, Public Water Supply.

Applicant	<b>Mountain Top Mobile Home Park</b>
Municipality	Caernorvon Township
County	<b>Lancaster</b>
Type of Facility	Addition of caustic soda for pH control for lead and copper corrosion control.
Consulting Engineer	Brent W. Cowan, P. E. CSC Technology, Inc. 170 Netherwood Drive Coatesville, PA 19320
Permit to Construct Issued	October 6, 2008

**Operations Permit** issued to **Middlesex Township Municipal Authority**, 7210063, Middlesex Township, **Cumberland County** on October 3, 2008, for the operation of facilities approved under Construction Permit No. 2105508.

**Operations Permit** issued to **Borough of Lititz**, 7360126, Warwick Township, **Lancaster County** on September 17, 2008, for the operation of facilities approved under Construction Permit No. 3607514.

**Operations Permit** issued to **Warwick Township Municipal Authority**, 7360120, Warwick Township, **Lancaster County** on October 3, 2008, for the operation of facilities approved under Construction Permit No. 3608513 MA.

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

**Permit No. M.A.—Construction, Public Water Supply.**

**Applicant** **Dietrich's Milk Products, LLC**  
**Township or Borough** Middlebury Township  
**County** **Tioga**  
**Responsible Official** Alan Sauter, Manager  
 Dietrich's Milk Products, LLC  
 Route 287 Middlebury Center  
 Middlebury, PA 16935  
**Type of Facility** Public Water  
 Supply—Construction  
**Consulting Engineer** Theodore Danforth, P. E.  
 TSD Environomics, Inc.  
 P. O. Box 310  
 Schwenksville, PA 19473  
**Permit Issued Date** October 6, 2008  
**Description of Action** Rerouting of transmission lines  
 to provide blending of the EP101  
 and EP102 sources for arsenic  
 treatment and installation of a  
 back-up pressure systems,  
 including a booster pump, motor  
 and hydropneumatic tank at the  
 plant.

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

**Permit No. 5590-T1-MA2, Minor Amendment.**

**Applicant** **Linesville Borough Municipal Authority**  
**Township or Borough** Linesville Borough  
**County** **Crawford**  
**Type of Facility** Public Water Supply  
**Consulting Engineer** Robert L. Rabell, P. E.  
 RL Rabell Surveying &  
 Engineering  
 10560 Walnut Street  
 Albion, PA 16401  
**Permit to Construct Issued** September 30, 2008

**Permit No. 4388511-MA2C, Minor Amendment.**

**Applicant** **Lakeview Estates MHP**  
**Township or Borough** New Lebanon Borough  
**County** **Mercer**  
**Type of Facility** Public Water Supply  
**Consulting Engineer** Chad W. Yuriscic, EIT  
 Deiss & Halmi Engineering  
 105 Meadville Street  
 Edinboro, PA 16412  
**Permit to Construct Issued** October 1, 2008

**SEWAGE FACILITIES ACT PLAN APPROVAL**

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

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Paradise Township	2 Township Drive Paradise, PA 17562	Lancaster

*Plan Description:* The approved plan provides for a repair onlot sewage system at the Red Caboose Motel and Restaurant consisting of a 9,900 gpd denitrifying sewage treatment system discharging to two absorption areas: 5,600 gpd to an existing absorption area and 4,300 gpd to a new absorption area. The ID number for this plan revision is A3-36943-172-3 and the APS number is 655909. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the owner.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Municipality of Penn Hills	12245 Frankstown Road Penn Hills, PA 15235-3494	Allegheny

*Plan Description:* The approved plan provides for a proposal to install a small flow treatment facility at 1090 Indiana Road in Penn Hills, Allegheny County. The proposed treatment facility will service an existing three bedroom single-family dwelling that has an existing malfunctioning onlot system. The proposed discharge will be to a tributary of Plum Creek. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts from this proposal.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Donegal Township	137 Hoffers Lane Jones Mills, PA 15645	Westmoreland

*Plan Description:* The approved plan provides for the construction of a 76 room hotel with laundry facilities. Also in the future, a restaurant and a bank or convenience store may be constructed on this lot. The property is located on the north side of SR 31, near the intersection of SR 711 North. The treated effluent will be discharged into Four Mile Run, classified as a TSF. Any required NPDES Permits or WQM Permits must be obtained in the name of the applicant as appropriate. The Department of Environmental Protection's review of the sewage facilities revision has not identified any significant environmental impacts resulting from this proposal.

## HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

### Notice of Prompt Interim Response

#### Industrial Solvents & Chemical Company Newberry Township, York County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305) has initiated a prompt interim response to provide vapor mitigation systems to certain residences in the vicinity of the Industrial Solvents & Chemical Company Site (Site).

The Site is located at 210 Stevens Road, York Haven, Newberry Township, York County, PA, immediately adjacent to Interstate 83. The Site is located in a rural area and is surrounded by residential, commercial and light industrial land use. Industrial Solvents Chemical Company (ISSC) was a former chemical product distributor and solvent recycling facility. The 9-acre site was a solvent reprocessing facility from 1979 until the Department revoked ISSC's operating permit in August 1989. The operator abandoned the facility in 1990 after declaring bankruptcy. Many documented releases occurred during operation of the facility. Over 600,000 gallons of waste in aboveground tanks and approximately 6,700 drums of waste were abandoned at the Site. The onsite soil and on- and off-site groundwater are contaminated with VOCs.

The Department conducted an interim response to stabilize conditions at the Site beginning in August 1990. In October 1991, the Site was placed on the Pennsylvania Priorities List of Hazardous Sites for Remedial Response. A responsible party group, the ISSC Steering Committee, formed in August 1993, signed a Consent Order and Agreement (COA) to conduct the waste characterization. Under additional COAs the responsible party group has removed all containerized waste from the Site and provided public water service to residences impacted above Health Standards by March 1997.

The Statement of Decision for the final response was signed in August 1998. The response included alternate water supplies for impacted residences to provide for future protectiveness, eliminate direct contact threats on Site, reduce the migration of groundwater contamination off the Site and treat surface water throughout the area of the groundwater contamination plume. The Site was removed from the Pennsylvania Priority List on October 31, 1998. Work on the final extension of the existing waterline was completed on July 5, 1999. The design for the asphalt cap at the ISSC facility was completed in June 2003 and the remedial response was completed by November 2004. The Department continues to monitor down-gradient residential wells.

The Department's Waste Management Program and Environmental Protection Agency (EPA), under EPA RCRA Corrective Action Program, conducted an Environmental Indicator Study of the Site and consequently an additional study was conducted for groundwater, indoor air, and slab soil gas. Based on the information obtained from the studies, chlorinated VOCs were detected in soil vapor samples on and off the Site. Exceedance of the vapor intrusion screening levels for soil vapor was found in the area of the plant property in sampling conducted during April and May of 2005. Indoor air sampling in October 2006 and January 2007 detected indoor air parameters above their respective indoor air standards within three residences in the vicinity of the Site.

The Department considered two alternatives: (1) Institutional controls, no action for vapor intrusion affecting indoor air of residential homes; and (2) Installation of vapor mitigation systems to remove the vapor intrusion pathway and institutional controls. The Department has selected Alternative 2 as the preferred alternative because it is protective, cost effective and mitigates the vapor intrusion threat immediately upon completion. Vapor intrusion will be addressed through site-specific engineering controls consisting of installing vapor mitigation systems to eliminate the route of exposure resulting in an indoor air direct contact or inhalation threat. This is not a final remedial action; further investigation will be conducted to determine the extent of the vapor intrusion threat from the Site.

The Department is providing this notice under sections 505(b) and 506(b) of HSCA (35 P. S. §§ 6020.505(b) and 6020.506(b)) and publication of this notice starts the administrative record period under HSCA. The administrative record which contains information about this Site and which supports the Department's decision to perform these actions at the Site is available for public review and comment. The administrative record can be examined from 8 a.m. to 4 p.m. at the Department's office at 909 Elmerton Avenue, Harrisburg, PA 17110, by contacting Steve DeMars at (717) 705-4832.

The administrative record will be open for comment from today's date and will remain open for 90 days. Persons may submit written comments regarding these actions to the Department before January 16, 2009, by mailing them to Steve DeMars at the previous address.

The public will have an opportunity to present oral comments regarding the chosen action at a public hearing. The hearing has been scheduled for December 11, 2008, at 7 p.m. at the Newberry Township Administration Building, 1915 Old Trail Road, Etners, PA. Persons wishing to present formal oral comments at that hearing should register before 4 p.m., December 5, 2008, by calling Lauri Lebo at (717) 705-4703. An informational meeting will be held following 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 proceedings should contact Lauri Lebo at the previous number or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 2

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**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

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Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for se-

lecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a Site-Specific Standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

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

**Mt. Carmel Former MGP Site, Mt. Carmel Borough, Northumberland County.** Haley & Aldrich, 299 Cherry Hill Road, Parsippany, NJ 07054 on behalf of PPL, Gas Utilities Corp., 2 North 9th Street (GENTW17), Allentown, PA 18101-1179 has submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with inorganic compounds, polycyclic aromatic hydrocarbons and other organic compounds. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**R & F Trucking Pa. Route 35 Accident,** Washington Township, **Snyder County.** Northridge Group Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of R & F Trucking, R. R. 1, Box 94P, Thompsontown, PA 17094 has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel within 90 days of the release. 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:

*Northeast Region: Ronald S. Brezinski, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Charles and Patricia Keniston Residence (123 Tamarack Drive), Dingman Township, Pike County.** Salvatore Sciascia, S & M Management, Inc., P. O. Box 1429, Milford, PA 18337 submitted a Final Report (on behalf of his clients, Charles and Patricia Keniston, 123 Tamarack Drive, Milford, PA 18337), concerning the remediation of soils found to have impacted by No. 2 fuel oil as a result of a release from an underground storage tank. The report documented attainment of the Residential Statewide Health Standard for soils and was approved on October 1, 2008.

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

**Freemont Contract Carriers I-80 MM 212 Accident,** Turbot Township, **Northumberland County.** Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17837 on behalf of Freemont Contract Carriers, Inc., 865 Bud Boulevard, Freemont, NE 68025 has sub-

mitted a Final Report within 90 days of the release concerning remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on September 30, 2008.

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

**Armco Sawhill Tube (John Maneely Co.—Sharon Pipe Plant)**, City of Sharon, **Mercer County**. The Payne Firm, Inc., 11231 Cornell Park Drive, Cincinnati, OH 45242 on behalf of John Maneely Company, 1 Council Avenue, Wheatland, PA 16161 has submitted a Remedial Investigation Report concerning the remediation of site soil contaminated with ethyl benzene, tetrachlorethene, trichloroethene, xylenes (total), benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, dibenzofuran, naphthalene, N-nitroso-di-n-propylamine, Aroclor-1248, Aroclor-1254, antimony, arsenic, cadmium, chromium (total), cobalt, lead, mercury, selenium, zinc and site groundwater contaminated with 1,2,4-Trichlorobenzene, 1,4-Dichlorobenzene, 2,3,7,8-TCDD equivalent, benzene, chlorobenzene, cis-1,2-dichloroethene, tetrachloroethene, trichloroethene, vinyl chloride, 2-Picoline, benzo(a)pyrene, bis(2-Ethylhexyl)phthalate, dibenz(a,h)anthracene, phenanthrene, Aroclor-1242, Aroclor-1254, Aroclor-1260, antimony, arsenic, barium, beryllium, cadmium, chromium III, chromium VI, copper, lead, manganese, mercury, nickel, selenium, sulfate, thallium, zinc. The Remedial Investigation Report was approved by the Department of Environmental Protection on October 3, 2008.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Permit Issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.*

**Permit No. 301165. Emanuel Tire of Pennsylvania, Inc.**, 1251 Conshohocken Road, Conshohocken, PA 19428-1030, Plymouth Township, **Montgomery County**. This permit is for the 10-year renewal for their existing solid waste permit for the continuing operation at the Emanuel Tire of Pennsylvania, Inc., tire processing facility located in Plymouth Township, **Montgomery County**. The permit was issued by the Southeast Regional Office on September 29, 2008.

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit ID No. WMGM028SW001. Jigging Technologies, LLC (d/b/a Atoll)**, 1008 Club Drive, Johnstown, PA 15905. Riders Slag Processing Plant, 950 Riders Road, Johnstown, PA 15906. Processing and beneficial use of steel slag, iron slag and refractory bricks that were co-disposed with slag as a construction material. Permit issued in the Regional Office on October 3, 2008.

## AIR QUALITY

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

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

**GP1-09-0091: Frankford Hospital Bucks Campus** (380 North Oxford Valley Road, Fairless Hills, PA 19047) on October 1, 2008, to operate a small gas and No. 2 oil-fired combustion units Falls Township, **Bucks County**.

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

**GP5-08-02: Chesapeake Appalachia, LLC** (P. O. Box 6070, Charleston, WV 25362) on September 11, 2008, for the construction and operation of a 275,000 Btu/hr glycol dehydrator under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane or Gob Gas Production or Recovery Facilities (BAQ-GPA/GP-5) at the Evanckick Compressor Station in Asylum Township, **Bradford County**.

**GP5-08-03: Chesapeake Appalachia, LLC** (P. O. Box 6070, Charleston, WV 25362) on September 17, 2008, for the construction and operation of a 500,000 Btu/hr glycol dehydrator under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane or Gob Gas Production or Recovery Facilities (BAQ-GPA/GP-5) at the Granville Compressor Station in Granville Township, **Bradford County**.

**GP5-17-22C: Power Gas Marketing and Transmission, Inc.** (One GOJO Plaza, Akron, OH 44311) on September 25, 2008, for the construction and operation of a 415 brake horsepower natural gas-fired reciprocating internal combustion compressor engine, equipped with a catalytic converter, under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane or Gob Gas Production or Recovery Facilities (BAQ-GPA/GP-5) at the Lumber City Compressor Station in Ferguson Township, **Clearfield County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Mark Gorog and Barb Hatch, Environmental Engineer Managers, (412) 442-4163/5226.*

**GP9-63-00936: MarkWest Liberty Gas Gathering, LLC** (1515 Arapahoe Street, Tower 2, Suite 700, Denver, CO 80202-2126) on October 3, 2008, received authorization under GP-9 to allow the installation and temporary operation of four diesel-fired Caterpillar C32 DITA engines, each rated at 1,372 bhp, at their Houston Gas Plant in Chartiers Township, **Washington County**. Only two of the engines will operate at one time; the other two will be on stand-by. Each unit will operate for less than 700 hours per rolling 12-month period.

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

**GP-16-148A: RV Burns Crematorium, Inc.** (24 Merle Street, Clarion, PA 16214) on October 1, 2008, for a human cremation unit (BAQ-GPA/GP-14) in Clarion Borough, **Clarion County**.

**GP-42-200A: Belden & Blake Corp.—Westline**, 280 Station (SR 3006, Lewis Run, PA 16738) on October 3, 2008, to operate a natural gas fired compressor engine (BAQ-GPA/GP-5) in Lafayette Township, **McKean County**.

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

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

**46-0032D: SPS Technologies, Inc.** (301 Highland Avenue, Jenkintown, PA 19046) on October 3, 2008, to install a Plating Line, at SPS a major manufacturing aerospace parts facility at Highland Avenue, Abington Township, **Montgomery County**. The installation of the Plating Line may result in the emissions of 7.80 tpy of PM and 7.80 tpy of HAPs. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The facility currently has a Title V Operating Permit No. 46-00032. 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.

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

**66-315-052: Proctor & Gamble Paper Products Co.** (P. O. Box 32, Mehoopany, PA 18629-0032) on September 23, 2008, to issue a Plan Approval for the modification of a paper converting line at their facility located in Washington Township, **Wyoming County**.

**66-315-046A: Procter and Gamble Paper Products** (P. O. Box 32, Mehoopany, PA 18629) on September 22, 2008, to increase horsepower from the 2M paper machine at the facility in Washington Township, **Wyoming County**.

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

**55-00001C: Sunbury Generation, LP** (Old Trail Road, P. O. Box 517, Shamokin Dam, PA 17876), issued plan approval on June 13, 2008, for the construction and operation of a wet flue gas desulfurization system to control the SO<sub>x</sub> emissions from the facility's existing six coal fired utility boilers, the replacement of the four existing pressurized type baghouses that control the PM emissions from existing boilers 1A, 1B, 2A and 2B with new balanced draft pulse jet type fabric filters and the construction and operation of a limestone handling and storage operation along with a gypsum dewatering and handling system at their facility located in Shamokin Dam Borough, **Snyder County**.

**55-00002B: Department of Public Welfare** (1401 North 7th Street, Harrisburg, PA 17105-2675), issued plan approval on June 16, 2008, for the construction and operation of three flue gas recirculation systems including three multiclone collectors to control the PM emissions from the facility's existing three coal fired boilers at their Selinsgrove Center facility located in Penn Township, **Snyder County**.

**49-00060A: Corson Asphalt, Inc.** (26 Beaver Street, Cogan Station, PA 17728), issued plan approval on June 20, 2008, for the re-activation and operation of a batch mix asphalt plant at their facility located in Ralpho Township, **Northumberland County**. The PM emissions from the aggregate dryer, the elevator, hot mix bins and the mixer will be controlled by the proposed cyclone and fabric collector.

**19-317-022D: Melick Aquafeed, Inc.** (139 South First Street, Catawissa, PA 17820) on September 11, 2008, for the construction of a new fish food pellet dryer to replace the existing fish food pellet dryer (Belt-O-Matic model No. 205 B), the installation of a sodium hypochlorite (NaOCl) solution injection system for the dryer exhaust and existing extruder exhaust (tied into the dryer stack) and for the installation of a building ventilation system at the facility located in Catawissa Borough, **Columbia County**.

**55-00020A: Meckley's Limestone Products, Inc.** (R. R. 1, Box 1682, Herndon, PA 17830-9799), issued plan approval on September 12, 2008, for the modification of the aggregate dryer burner to burn "on specification" waste derived liquid fuel in addition to installation of 20,000 gallon vertical storage tank at their Beavertown facility located in Franklin Township, **Snyder County**.

**14-00003C: The Pennsylvania State University** (101P Physical Plant Building, University Park, PA 16802-1119), issued plan approval on September 12, 2008, for the construction and operation of two compression ignited, 2,346 Bhp, reciprocating internal combustion engines at their University Park Campus located in College Township, **Centre County**.

**19-00032A: Benton Area School District** (600 Green Acres Road, Benton, PA 17814), issued plan approval on September 17, 2008, for the construction and operation of one, 7.5 mmBtu/hr, wood-fired boiler equipped with multicollector to control PM emissions from the boiler at their facility located in Benton Borough, **Columbia County**.

**12-00008A: GKN Sinter Metals Emporium Inc.** (P. O. Box 493, Emporium, PA 15834), issued plan approval on September 15, 2008, for the construction and operation of an Abbott Furnace Company draw furnace (PF74) and a Bernd Fiand induction hardener (PF99) incorporating two quench stations at their Airport Road plant located in Emporium Borough, **Cameron County**. The PM emissions from the draw furnace and the induction hardener will be controlled by the proposed two-stage electrostatic precipitator.

**14-318-002: Valley Enterprise Containers, LLC** (111 Eagleville Road, Blanchard, PA 16826) on September 2, 2008, for the construction of a metal waste container ("dumpster") surface coating operation in Liberty Township, **Centre County**.

**49-00040A: Reagent Chemical and Research, Inc. White Flyer Division** (Happy Hallow Road, Coal Township, PA 17866) on September 23, 2008, for the construction of skeet target surface coating operations in Coal Township, **Northumberland County**.

**59-00005G: Dominion Transmission, Inc.** (445 West Main Street, Clarksburg, WV 26301) on September 24, 2008, for the construction of a 2,370 horsepower natural gas-fired reciprocating internal combustion compressor engine, equipped with an oxidation catalyst, a 5,810 horsepower natural gas-fired compressor turbine, equipped with SoLoNO<sub>x</sub> technology and an oxidation

catalyst and eight 65 kw natural gas-fired microturbines at the Sabinsville Compressor Station in Clymer Township, **Tioga County**.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

**09-0107: Oldcastle Retail Inc.—d/b/a Bonsal American** (1214 Hayes Boulevard, Bristol, PA 19007) on October 3, 2008, to operate a baghouse in Bristol Township, **Bucks County**.

**46-0260: Durapax, LLC** (400 Old Reading Pike, Suite 304, Pottstown, PA 19464) on October 3, 2008, to operate a coal tar roofing material process in West Pottsgrove Township, **Montgomery County**.

**46-0161B: Reading Materials, Inc.** (2052 Lucon Road, P. O. Box 196, Skippack, PA 19474) on October 3, 2008, to operate a hot asphalt plant in Lower Pottsgrove Township, **Montgomery County**.

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

**49-00007E: Cherokee Pharmaceuticals, LLC** (P. O. Box 367, Riverside, PA 17868) on June 6, 2008, to extend the authorization to operate under the VOC plantwide applicability limit and revised BAT standards on a temporary basis until December 13, 2008, at the facility in Riverside Borough, **Northumberland County**.

**08-00003D: CraftMaster Manufacturing, Inc.** (P. O. Box 311, Shiner Road, Towanda, PA 18848) on June 11, 2008, to extend the authorization to operate a cyclonic separator on the Line I Press on a temporary basis until December 23, 2008, and to extend the required PM stack testing until October 24, 2008, at the facility in Wysox Township, **Bradford County**.

**41-00005E: Lycoming Engines** (652 Oliver Street, Williamsport, PA 17701) on June 11, 2008, to revise the identity of the perchloroethylene degreaser (Source ID P236) to an air chilled unit. The revision also extends the authorization to operate the perchloroethylene degreaser on a temporary basis until October 9, 2008, at the facility in Williamsport, **Lycoming County**.

**08-00003E: CraftMaster Manufacturing, Inc.** (P. O. Box 311, Shiner Road, Towanda, PA 18848) on June 26, 2008, to extend the authorization to operate a regenerative thermal oxidizer on the Die Form Tempering Kiln on a temporary basis to January 12, 2009, and to extend the required VOC, CO and NOx stack testing until October 1, 2008, at the facility in Wysox Township, **Bradford County**.

**53-00001C: Tennessee Gas Pipeline Company** (197 Tennessee Road, Coudersport, PA 16915), located in Hebron Township, **Potter County**, on June 20, 2008, to extend the authorization to temporarily operate a natural gas-fired internal combustion engine (Source ID P111) an additional 120 days from July 12, 2008, to November 9, 2008, and to extend the required CO and NOx stack testing date until August 11, 2008.

**08-00003C: CraftMaster Manufacturing, Inc.** (P. O. Box 311, Shiner Road, Towanda, PA 18848) on August 29, 2008, to extend the authorization to operate wood-fired boiler No. 3 and dry fuel handling equipment identified in the respective plan approval on a temporary basis until March 25, 2009, at the facility in Wysox Township, **Bradford County**.

**53-00009A: Morgan Advance Materials & Technology, Inc.** (411 Hall Avenue, St. Mary's, PA 15857) on September 3, 2008, to extend the authorization to temporarily operate three electric powered heat treat ovens, each equipped with a natural gas fired thermal oxidizer to control air contaminant emissions in their Coudersport plant in Eulalia Township, **Potter County** until March 6, 2009. The plan approval has been extended.

**47-00003A: Department of Public Welfare, Danville State Hospital** (200 State Hospital Drive, Danville, PA 17821-9198), located in Mahoning Township, **Montour County**, on September 18, 2008, to extend the authorization to temporarily operate two boilers (Source IDs 037 and 038) an additional 180 days from September 1, 2008, to February 28, 2008, and to extend the required stack testing date until December 31, 2008, for Source ID 037 and February 15, 2009, for Source ID 038.

**17-313-001: Sunnyside Ethanol, LLC** (3000 McKnight East Drive, Suite 201, Pittsburgh, PA 15237) on October 1, 2008, to authorize an increase in the production capacity of an ethanol production plant from 88 million gallons in any 12-consecutive month period to 100 million gallons in any 12-consecutive month period, to authorize the construction of a 29.3 MW generator instead of a 24.7 MW generator, to authorize a change in design for the scrubbers incorporated in an ethanol production plant and to approve minor changes in the air contaminant emission limits for an ethanol production plant (resulting in an increase of no more than .5 ton in the allowable annual emission of any air contaminant) in Curwensville Borough, **Clearfield County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, M. Gorog and B. Hatch, Environmental Engineer Managers, (412) 442-4163/5226.*

**32-00387A: Rosebud Mining Co.** (301 Market Street, Kittanning, PA 16201) on October 3, 2008, to allow the construction and operation of a Coal Preparation Plant by the Rosebud Mining Company. Operations include unloading and loading of coal, dry and wet screening, crushing and stockpiling at their Crooked Creek Coal Preparation Plant located in Washington Township, **Indiana County**. The plan approval has been extended.

**65-302-071: Koppers, Inc.** (345 Donner Avenue, Monessen, PA 15062) on October 3, 2008, to transfer a plan approval to ArcelorMittal-Monessen, LLC, and maintain existing the expiration date of March 25, 2009, to allow for continued temporary operation of two coke oven gas/natural gas boilers at their Monessen Coke Plant, in the City of Monessen, **Westmoreland County**. This plan approval has been extended.

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

**62-0170: United Refining Co.** (Bradley and Dobson Streets, Warren, PA 16365) on September 30, 2008, to modify the Naphtha Hydrotreater and install NOx controls on the No. 4 boiler in the City of Warren, **Warren County**. The facility is a Title V Facility.



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

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*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.*

**05-05004: Seton Co.** (135 Horton Drive, Saxton, PA 16678-1501) on September 30, 2008, for a finished and dimensioned leather manufacturing facility in Saxon Borough, **Bedford County**. This is a renewal of the Title V operating permit.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Matthew Williams, Facilities Permitting Chief, (814) 332-6940.*

**61-00004: Electralloy—GO Carlson, Inc.** (175 Main Street, Oil City, PA 16301-1038) on September 29, 2008, to re-issue a Title V Operating Permit to operate a specialty steel mill in Oil City, **Venango County**. The primary emission sources include an electric arc furnace, two argon oxygen refiners, furnace tapping and charging, mold pouring, three annealing furnaces, a tumbleblast, five vacuum arc remelt units, a granular metal process, ladle preheaters for the melt shop, a parts washer and miscellaneous natural gas combustion.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

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

**23-00068: Cremation Specialists, Inc.** (43 East Baltimore Avenue, Media, PA 19063) on October 1, 2008, to operate a crematorium in Media Borough, **Delaware County**. This action is a renewal of the State-only Operating Permit. The original State-only Operating Permit was issued on October 25, 2002. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Ray Kempa, New Source Review Chief, (570) 826-2507.*

**35-00016: Sandvik Materials Technology** (P. O. Box 1220, Scranton, PA 18501) on September 30, 2008, to re-issue a State-only (Natural Minor) Operating Permit for operation of boilers, process tanks and saws at their facility in Scott Township, **Lackawanna County**.

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

**36-03021: J. Walter Miller Co.** (411 East Chestnut Street, Lancaster, PA 17602-3016) on September 30, 2008, to operate a foundry in the City of Lancaster, **Lancaster County**. This is a renewal of the State-only operating permit.

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

**41-00050: Palmer Industrial Coatings, Inc.** (P. O. Box 4056, Williamsport, PA 17701), issued State-only operating permit on September 12, 2008, for their surface coating facility in Woodward Township, **Lycoming County**. The facility's main sources include surface coat-

ing equipment, shot-blast room and equipment. The State-only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**19-00019: Dillon Floral Corporation** (933 Columbia Boulevard, Bloomsburg, PA 17815-8844), issued State-only (Synthetic Minor) operating permit on September 18, 2008, for their greenhouse facility in Bloomsburg Borough, **Columbia County**. The facility's main sources include wood-fired boiler, oil-fired boiler, propane-fired generator, three aboveground storage tanks. The State-only (Synthetic Minor) operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**14-00021: Hanson Aggregates (PA), Inc.** (2200 Springfield Pike, Connellsville, PA 15425), issued State-only operating permit on September 15, 2008, for their facility in Marion Township, **Centre County**. The facility's main sources include one primary crusher, one secondary crusher, three tertiary crushers and associated various material sizing and conveying equipment. The State-only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**17-00033: RES Coal, LLC** (224 Grange Hall Road, Armagh, PA 15920) on September 16, 2008, for the operation of a coal processing facility (Clearfield Siding) in Boggs Township, **Clearfield County**. This is a renewal.

**17-00006: Mt. Savage Specialty Refractories Company** (P. O. Box 60, Curwensville, PA 16833) on September 23, 2008, for the operation of a refractories materials manufacturing/processing facility in Pike Township, **Clearfield County**.

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**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

**15-00019: Exelon Generating Co.** (Township Line and Cromby Roads, Phoenixville, PA 19460) on October 1, 2008, a modification to address a typographical error concerning the NOx emission limitation in their Title V permit in East Pikeland Township, **Chester County**. Modification of Title V Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.461.

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

**49-00030: Sunbury Textile Mills, Inc.** (1200 Miller Street, Sunbury, PA 17801), issued a revised operating permit, on September 22, 2008, for their facility located in City of Sunbury, **Northumberland County**. This revision includes a Hurst manufactured 8.4 mmBtu/hr natural gas/No. 2 fuel oil fired boiler and two non-VOC based parts washers. These sources are replacing one of Cleaver Brooks manufactured 29.29 mmBtu/hr natural gas/No. 2 fuel oil fired boiler (Source ID 031) and two VOC based parts washers (Source ID P102). This State-only (Synthetic Minor) operating permit contains all applicable

regulatory requirements including monitoring, recordkeeping and reporting conditions.

**55-00005: Wood-Mode, Inc.**, (1 Second Street, Route 522, Kreamer, PA 17833), issued a revised operating permit on May 16, 2008, for the wood furniture manufacturing facility located in Middlecreek Township, **Snyder County**. The revision of this operating permit incorporates an extension of stack testing due dates for wood waste handling and woodworking operations from April 26, 2008 to June 30, 2008. This Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Barbara Hatch, Facilities Permitting Chief, (412) 442-4174.*

**26-00473: Bullsken Tipple Co.** (2927 Pittsburgh Street, Perryopolis, PA 15473) on September 30, 2008, to operate a railroad freight terminal at their Bullsken Yard in Connellsville Township, **Fayette County**. This State-only operating permit was administratively amended to change the office address of Bullsken Tipple Company.

## **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.*

**30841317 and NPDES Permit No. PA0213527, Consol Pennsylvania Coal Company**, (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to revise the permit and related NPDES permit for the Enlow Fork Mine in East Finley Township, **Washington County** to install the F-20 Bleeder Airshaft, boreholes and a new discharge point. Surface Acres Proposed 8.9. Receiving stream: UNT to Robinson Fork, classified for the following use: WWF. No additional discharges. Application received December 3, 2007. Permit issued September 23, 2008.

**03031302 and NPDES Permit No. PA0235598, TJS Mining, Inc.**, (2340 Smith Road, Shelocta, PA 15774), to revise the permit for the TJS No. 5 Deep Mine in South Bend Township, **Armstrong County** and **Armstrong** and **Young Townships, Indiana County** to add underground and subsidence control plan area acres to the permit. Underground Acres Proposed 1,933.8, Subsidence Control Plan Acres Proposed 1,509.5. No additional discharges. Application received January 28, 2008. Permit issued September 24, 2008.

**30031301 and NPDES Permit No. PA0235610, Dana Mining Company of Pennsylvania, LLC**, (308 Dents Run Road, Morgantown, WV 26501), to revise the permit for the 4 West Mine in Dunkard Township, **Greene County** to add underground permit and subsidence control plan acres to the existing permit. Underground Acres Proposed 28.0, Subsidence Control Plan Acres Proposed 28.0. No additional discharges. Application received April 3, 2008. Permit issued September 24, 2008.

**32061302 and NPDES Permit No. NA, Western Allegheny Energy, LLC**, (301 Market Street, Kittanning, PA 16201-9642), to operate the Knob Creek Mine in Young Township, **Indiana County** a new underground mine and related NPDES permit. Surface Acres Proposed 31.2, Underground Acres Proposed 1,514.0, SCP Acres Proposed 1384.0. Receiving stream: Marshall Run, classified for the following use: CWF. Application received March 10, 2006. Permit issued October 2, 2008.

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

**56880103 and NPDES No. PA0598143, Future Industries, Inc.**, P. O. Box 157, Meyersdale, PA 15552, permit renewal for the continued operation and restoration of a bituminous surface mine in Summit Township, **Somerset County**, affecting 110.2 acres. Receiving streams: UNTs to/and Casselman River, UNTs to/and Lick Run, UNTs to Bigby Creek and UNTs to Cranberry Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 27, 2008. Permit issued October 3, 2008.

**32813007 and NPDES No. PA0125458, Cloe Mining Company, Inc.**, P. O. Box J, Grampian, PA 16838, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Rayne and East Mahoning Townships, **Indiana County**, affecting 323.7 acres. Receiving streams: UNTs to/and Pine Run classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is ICMSA Crooked Creek. Application received July 17, 2008. Permit issued October 3, 2008.

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

**65860105 and NPDES Permit No. PA0588601, M. B. Energy, Inc.** (175 McKnight Road, Blairsville, PA 15717). Permit renewal issued for reclamation and passive treatment of discharges at an existing bituminous surface mining site located in Donegal Township, **Westmoreland County**, affecting 369.0 acres. Receiving streams: UNTs to Four Mile run and UNT to Jacob's Creek. Application received July 16, 2008. Renewal issued September 29, 2008.

**63020102 and NPDES Permit No. PA0250309, Mulligan Mining, Inc.** (5945 Pudding Stone Lane, Bethel Park, PA 15102). Permit renewal issued for continued operation and reclamation of a bituminous surface mining site located in Smith Township, **Washington County**, affecting 147.6 acres. Receiving streams: UNTs to Little Raccoon Run to Little Raccoon Run to Raccoon Creek and UNTs to Raccoon Creek to Raccoon Creek to Ohio River. Application received July 11, 2008. Renewal issued October 2, 2008.

**03070103 and NPDES Permit No. PA0251160, Thomas J. Smith, Inc.** (2340 Smith Road, Shelocta, PA 15774). Permit issued for commencement, operation and reclamation of a bituminous surface mining site located in

Redbank Township, **Armstrong County**, affecting 127.9 acres. Receiving streams: UNT to Pine Run and UNT to Nye Branch. Application received June 11, 2007. Permit issued October 3, 2008.

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

**54-305-005GP12. South Tamaqua Coal Pockets, Inc.**, (804 West Penn Pike, Tamaqua, PA 18252), general operating permit to operate a coal preparation plant on Surface Mining Permit No. 54070104 in Blythe Township, **Schuylkill County**. Application received November 20, 2007. Permit issued October 1, 2008.

**54991302T and NPDES Permit No. PA0223972. S & S Coal Company, LLC**, (66 Snyder Lane, Hegins, PA 17938), transfer of an existing anthracite underground mine operation in Barry, Foster and Hegins Townships, **Schuylkill County** affecting 8.0 acres, receiving stream: tributary to Hans Yost Creek. Application received October 3, 2007. Transfer issued October 2, 2008.

#### *Noncoal Permits Actions*

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

**01740601 and NPDES Permit No. PA0594407, Valley Quarries, Inc.**, P. O. Box J, Chambersburg, PA 17201, renewal of NPDES Permit, Cumberland Township, **Adams County**. Receiving streams: Rock Creek classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received June 27, 2008. Permit issued September 30, 2008.

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

**26980601 and NPDES Permit No. PA0202193. Hanson Aggregates BMC, Inc.** (2200 Springfield Pike, Connellsville, PA 15425-9503). NPDES Permit renewal issued for continued operation and reclamation of a large noncoal surface mining site (limestone quarry) located in Bullskin Township, **Fayette County**, affecting 673 acres. Receiving streams: UNT to Breakneck Run, to Whites Run, to Mounts Creek, to Youghiogheny River. There are two potable water supply intakes within 10 miles downstream from the point of discharge: North Fayette Municipal Authority (4.5 miles) and Westmoreland County Municipal Authority (4.5 miles). Application received July 29, 2008. Renewal issued October 2, 2008.

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

**37920306. Neshannock Sand & Gravel, Inc.** (3340 US Route 422, New Castle, PA 16101) Renewal of NPDES Permit No. PA0211320 in Neshannock Township, **Lawrence County**. Receiving streams: UNT to Shenango River and Shenango River. Application received August 11, 2008. Permit issued October 1, 2008.

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

**48082801. Livengood Excavators, Inc.**, (4661 Lehigh Drive, Walnutport, PA 18088), commencement, operation and restoration of a quarry operation in Lehigh Township, **Northampton County** affecting 5.0 acres, receiving stream: none. Application received February 22, 2008. Permit issued September 30, 2008.

## ACTIONS ON BLASTING ACTIVITY APPLICATIONS

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

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#### *Blasting Permits Actions*

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

**58084102. Austin Powder Company**, (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Cabot Oil & Gas Corp. pipeline in Dimock and Springville Townships, **Susquehanna County** with an expiration date of September 26, 2009. Permit issued October 3, 2008.

**58084103. Austin Powder Company**, (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Cabot Oil & Gas Corp. pipeline in Dimock and Springville Townships, **Susquehanna County** with an expiration date of September 26, 2009. Permit issued October 3, 2008.

## 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**

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

**E11-333. Greater Johnstown Redevelopment Authority**, 4th Floor, Public Safety Building, 401 Washington Street, Johnstown, PA 15901. To construct a 15 inch storm drain pipe in a 24 inch steel casing in the City of Johnstown, **Cambria County**, United States Army Corps of Engineers, Pittsburgh District (Johnstown, PA Quadrangle N: 13.2 inches; W: 6.4 inches, Latitude: 40° 19' 22"; Longitude: 78° 55' 15"). To construct and maintain a 39-foot long, 15-inch PVC storm drain pipe in a 24-inch steel casing by method of boring under the vertical portion of the river wall and through the sloped portion of the river concrete lining of the flood control structure in the Stony Creek River (WWF). The project is associated with a new 3-story office building, located at the intersection of SR 0403 and Somerset Street.

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

**E20-154A, Bloomfield Township Sewage Authority**, 22978 Shreve Ridge Road, Union City, PA 16438. North Inlet Area Reconstruction Project, in Bloomfield Township, **Crawford County**, United States Army Corps of Engineers, Pittsburgh District (Lake Canadota, PA Quadrangle N: 41° 47' 43"; W: 79° 50' 25").

To amend permit E-154 which authorized the Bloomfield Township Sewage Authority to construct and maintain a sanitary sewer pipeline under the bed and across the channel of various streams in Bloomfield Township, **Crawford County** including:

1. West Shreve Run at a point approximately 120 feet upstream of Lake Canadota.
2. West Shreve Run at a point approximately 355 feet upstream of Lake Canadota.
3. West Shreve Run at a point approximately 340 feet upstream of Lake Canadota.
4. UNT Lake Canadota at a point approximately 305 feet upstream of Lake Canadota.
5. Oil Creek at a point approximately 35 feet downstream of Lake Canadota.
6. Oil Creek at a point approximately 60 feet downstream of Lake Canadota.

7. UNT Lake Canadota at a point approximately 200 feet upstream from its confluence with East Shreve Run.

To amend permit E-154 to construct and maintain a sanitary sewer pipeline under the bed and across the channel of various streams in Bloomfield Township, **Crawford County** including:

1. West Shreve Run at a point approximately 120 feet upstream of Lake Canadota.
2. West Shreve Run at a point approximately 355 feet upstream of Lake Canadota.
3. West Shreve Run at a point approximately 340 feet upstream of Lake Canadota.
4. UNT Lake Canadota at a point approximately 305 feet upstream of Lake Canadota.
5. Oil Creek at a point approximately 35 feet downstream of Lake Canadota.
6. Oil Creek at a point approximately 60 feet downstream of Lake Canadota.
7. UNT Lake Canadota at a point approximately 200 feet upstream from its confluence with East Shreve Run, and to construct and maintain a 1,900-foot long sanitary forcemain by means of directional drilling under a 1,900-foot long EV wetland at a location extending SW of the intersection of West View Road and Delta Drive.

[Pa.B. Doc. No. 08-1888. Filed for public inspection October 17, 2008, 9:00 a.m.]

**Bid Opportunity**

**BOGM 08-5, Cleaning Out and Plugging 12 Abandoned and Orphan Gas Wells, (Silverside Limited, James Engstrom, Thomas P. Haberberger, Brian Sees, Richard Simon and Lois Vandergrift and Mr. and Mrs. Jack Geer Properties), Mt. Jewett Borough and Hamlin Township, McKean County.** The principal items of work include cleaning out and plugging 12 abandoned and orphan gas wells, estimated to be 2,500 feet in depth, to Department of Environmental Protection specifications, preparing and restoring well sites and mobilizing and demobilizing plugging equipment. This project issues on October 17, 2008, and bids will be opened on November 6, 2008, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. A prebid conference is scheduled for October 27, 2008. Use the contact information contained in this advertisement to find out more about the prebid. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN HANGER,  
*Acting Secretary*

[Pa.B. Doc. No. 08-1889. Filed for public inspection October 17, 2008, 9:00 a.m.]

**Low-Level Waste Advisory Committee Meeting; Date Change**

The meeting of the Low-Level Waste Advisory Committee has been rescheduled for November 21, 2008, from 10 a.m. to 1 p.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the change of the meeting can be directed to Rich Janati at (717) 787-2163 or rjanati@state.pa.us. The agenda and meeting materials for the November 21, 2008, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at www.depweb.state.pa.us (DEP Keywords: Participate).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Cheryl Miller Laatsch at (717) 787-2163 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,  
*Acting Secretary*

[Pa.B. Doc. No. 08-1890. Filed for public inspection October 17, 2008, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Altoona Regional Health System for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Altoona Regional Health System has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1.1.2(1) (clearances), 3.1.1.3 (windows in patient rooms) and 3.1.1.6 (toilet room).

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

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

A. EVERETTE JAMES,  
*Acting Secretary*

[Pa.B. Doc. No. 08-1891. Filed for public inspection October 17, 2008, 9:00 a.m.]

### Application of Dubois Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Dubois Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 3.1-5.2.1.1 (corridor width), 3.1-2.1.2.1 (special purpose examination room space requirements), 3.1-5.2.1.4 (exam room door).

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

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

A. EVERETTE JAMES,  
*Acting Secretary*

[Pa.B. Doc. No. 08-1892. Filed for public inspection October 17, 2008, 9:00 a.m.]

### Application of Hamot Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Hamot Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.1-5.4.1.5(1) (relating to changing area for cardiac catheterization suite).

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

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be

reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

A. EVERETTE JAMES,  
*Acting Secretary*

[Pa.B. Doc. No. 08-1893. Filed for public inspection October 17, 2008, 9:00 a.m.]

### Application of Holy Spirit Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Holy Spirit Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.1-5.5.6.2 (relating to patient toilet) and 3.1-2.2.4.2 (relating to toilet rooms in outpatient facilities).

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

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

A. EVERETTE JAMES,  
*Acting Secretary*

[Pa.B. Doc. No. 08-1894. Filed for public inspection October 17, 2008, 9:00 a.m.]

### Application of Kindred Hospital Philadelphia for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Kindred Hospital Philadelphia has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

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

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

A. EVERETTE JAMES,  
*Acting Secretary*

[Pa.B. Doc. No. 08-1895. Filed for public inspection October 17, 2008, 9:00 a.m.]

### Application of Lawrence County Surgery Center, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lawrence County Surgery Center, LLC, has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.7-2.7.1.1 and 2.7.1.2 (relating to lockers, toilets and patients personal effects in outpatient surgery change area).

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

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or

hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

A. EVERETTE JAMES,  
*Acting Secretary*

[Pa.B. Doc. No. 08-1896. Filed for public inspection October 17, 2008, 9:00 a.m.]

### Application of Mercy Suburban Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Mercy Suburban Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 6.2.3 (relating to multipurpose room).

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

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

A. EVERETTE JAMES,  
*Acting Secretary*

[Pa.B. Doc. No. 08-1897. Filed for public inspection October 17, 2008, 9:00 a.m.]

### Application of Monongahela Valley Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Monongahela Valley Hospital has requested an exception to the requirements of 28 Pa. Code § 138.15 (relating to high-risk cardiac catheterizations).

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

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

A. EVERETTE JAMES,  
*Acting Secretary*

[Pa.B. Doc. No. 08-1898. Filed for public inspection October 17, 2008, 9:00 a.m.]

### Application of Robert Packer Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Robert Packer Hospital has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

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

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

A. EVERETTE JAMES,  
*Acting Secretary*

[Pa.B. Doc. No. 08-1899. Filed for public inspection October 17, 2008, 9:00 a.m.]

### Application of St. Mary Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that St. Mary Medical Center has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

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

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

A. EVERETTE JAMES,  
*Acting Secretary*

[Pa.B. Doc. No. 08-1900. Filed for public inspection October 17, 2008, 9:00 a.m.]

### Application of Trevoze Specialty Care Surgical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Trevoze Specialty Care Surgical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.7-2.4.1.1(2) (PACU nurse control station), 3.7-2.4.1.2(4) (hand washing stations), 3.7-2.5.2(1) (scrub sinks), 3.7-4.1.1 (covered entrance).

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

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or

hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

A. EVERETTE JAMES,  
*Acting Secretary*

[Pa.B. Doc. No. 08-1901. Filed for public inspection October 17, 2008, 9:00 a.m.]

### Application of UPMC McKeesport for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC McKeesport has requested an exception to the requirements of 28 Pa. Code § 107.26 (relating to additional committees).

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

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

A. EVERETTE JAMES,  
*Acting Secretary*

[Pa.B. Doc. No. 08-1902. Filed for public inspection October 17, 2008, 9:00 a.m.]

### Application of UPMC Mercy Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Mercy Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.1-3.1.1.1(1) (patient room capacity), 2.1-3.1.1.1.5(1) and (2) (hand washing stations), 2.4-2.1.2 (exam treatment room), 2.4-3.1.1.1 (inpatient space requirements), 2.4-4.1 (medical evaluation unit).

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



Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

A. EVERETTE JAMES,  
*Acting Secretary*

[Pa.B. Doc. No. 08-1903. Filed for public inspection October 17, 2008, 9:00 a.m.]

### Application of Westfield Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Westfield Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.1-3.4.2.5(1) (staff lounges and toilets) and 2.1-3.4.2.4(4) (multipurpose rooms).

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

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

A. EVERETTE JAMES,  
*Acting Secretary*

[Pa.B. Doc. No. 08-1904. Filed for public inspection October 17, 2008, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Increase to Maximum Payment to Practitioners for Services Provided During One Period of Hospitalization

#### *Purpose of Notice*

The purpose of this notice is to announce that effective October 18, 2008, the Department of Public Welfare (Department) is increasing the maximum Medical Assistance (MA) payment limit for services provided by a practitioner to an MA recipient during any one period of hospitalization.

Section 2 of Act 2008-44 amended the act of June 13, 1967 (P. L. 31, No. 21), known as the Public Welfare Code, to add section 443.10. Section 443.10(3) authorizes the Department to establish the maximum payment limit to a practitioner for services provided to an MA recipient during a period of inpatient hospitalization by publication of Notice in the *Pennsylvania Bulletin*.

The current maximum payment to a practitioner for services provided during a single hospitalization is the lowest of the practitioner's usual and customary charge to the general public for the same service; the MA maximum allowable fee; or the maximum payment limit of \$1,000. See 55 Pa. Code § 1150.51(e) (relating to general payment policies). Effective with hospital discharges on and after October 18, 2008, the maximum payment limit is \$1,250 unless a service or procedure provided during the hospitalization has a fee which exceeds \$1,250. If the fee for a service or procedure exceeds \$1,250, that fee is the maximum payment limit for the period of hospitalization.

#### *Fiscal Impact*

The cost of implementing this change is estimated at \$0.866 (\$0.439 million in State funds) in Fiscal Year (FY) 2008-2009 and \$1.484 million (\$0.751 million in State funds) in FY 2009-2010.

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision to the maximum payment for services provided during a period of hospitalization.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-571. (1) General Fund; (2) Implementing Year 2008-09 is \$439,000; (3) 1st Succeeding Year 2009-10 is \$751,000; 2nd Succeeding Year 2010-11 is

\$751,000; 3rd Succeeding Year 2011-12 is \$751,000; 4th Succeeding Year 2012-13 is \$751,000; 5th Succeeding Year 2013-14 is \$751,000; (4) 2007-08 Program—\$593.992M; 2006-07 Program—\$671.472M; 2005-06 Program—\$945.950M; (7) Medical Assistance—Outpatient; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 08-1905. Filed for public inspection October 17, 2008, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Millionaire Raffle VII Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 874.4 (relating to notice of raffle lottery game rules), the Secretary of Revenue hereby provides public notice of the rules for the following raffle lottery game:

1. *Name:* The name of the raffle game is Pennsylvania Millionaire Raffle VII.
2. *Price:* The price of a Pennsylvania Millionaire Raffle VII lottery game ticket is \$20.
3. *Ticket Sales And Drawing Date:* Pennsylvania Millionaire Raffle VII lottery game tickets sales will commence on or after October 27, 2008, and will continue until all 500,000 tickets have been sold, or 5 p.m. on January 3, 2009, whichever occurs earlier.
4. *Ticket Characteristics:* Each Pennsylvania Millionaire Raffle VII lottery game ticket will contain one unique eight-digit number between 00000001 and 00500000, for a total of 500,000 tickets.
5. *Prizes:* The prizes that can be won in this game are \$100, \$1,000, \$100,000 and \$1,000,000. A player may only win one time on each ticket or chance.

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*Ticket Matching Exactly the Unique Eight-digit Number Drawn In:*

	<i>Win Prize Of:</i>
First-Prize-Tier	\$1,000,000
Second-Prize-Tier	\$100,000
Third-Prize-Tier	\$1,000
Fourth-Prize-Tier	\$100

All Pennsylvania Millionaire Raffle VII lottery game prize payments, including first-prize-tier prizes, will be made as one-time lump-sum cash payments.

10. *Consumer Promotional Programs:* The Lottery may conduct promotional activities to promote the sale of Pennsylvania Millionaire Raffle VII tickets, including offering tickets at a discounted price. Details of any such offering will be disseminated through media used to advertise or promote Millionaire Raffle VII or through normal communications methods.

11. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Millionaire Raffle VII lottery game

6. *Maximum Number of Tickets Printed and Sold for the Game:* There will be no more than 500,000 tickets printed and sold for the Pennsylvania Millionaire Raffle VII lottery game. The chances will be sequentially issued on a Statewide basis from the range of individual unique numbers representing the chances available for the game.

7. *Conduct of Drawing:* The results of the Pennsylvania Millionaire Raffle VII will be televised on January 3, 2009, at or about 7 p.m. The drawing will be conducted with the aid of an electronic device. Six-thousand (6,000) unique eight-digit numbers will be drawn, between 00000001 and 00500000. The first four unique eight-digit numbers drawn will be the first-prize-tier winning numbers. The fifth through eighth unique eight-digit numbers drawn will be the second-prize-tier winning numbers. The ninth through 108th unique eight-digit numbers drawn will be the third-prize-tier winning numbers. The 109th through 6,000th unique eight-digit numbers drawn will be the fourth-prize-tier winning numbers.

8. *Determination of Prize Winners:*

- (a) Holders of tickets upon which the unique eight-digit number matches exactly one of the first-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$1,000,000.
- (b) Holders of tickets upon which the unique eight-digit number matches exactly one of the second-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$100,000.
- (c) Holders of tickets upon which the unique eight-digit number matches exactly one of the third-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$1,000.
- (d) Holders of tickets upon which the unique eight-digit number matches exactly one of the fourth-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$100.

9. *Number and Description of Prizes and Approximate Odds:* The Pennsylvania Millionaire Raffle VII prizes and determination winners are as follows:

<i>Maximum Odds Of Winning Are 1 In:</i>	<i>Number Of Winners</i>
125,000	4
125,000	4
5,000	100
85	5,892

tickets. The conduct of the Program will be governed by 61 Pa. Code § 811.41 (relating to promotional prizes).

12. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Millionaire Raffle VII, prize money from winning Pennsylvania Millionaire Raffle VII 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 anniversary date of the raffle drawing in which the ticket or chance was entered, 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.

13. *Governing Law.* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

THOMAS W. WOLF  
*Secretary*

[Pa.B. Doc. No. 08-1906. Filed for public inspection October 17, 2008, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Application for Lease of Right-of-Way

The Department of Transportation (Department), under the authority contained in section 2002(c) of The Administrative Code of 1929 (71 P.S. § 512(c)) and 67 Pa. Code § 495.4(d) (relating to application procedure), gives notice that an application to lease highway right-of-way has been submitted to the Department by Carlo and Rosa Palumbo, Palumbo's Real Estate, LLC, of 10 Dapp Lane, Mechanicsburg, PA 17050.

Seeking to lease highway right-of-way located adjacent to Da Vinci's Italian Eatery, 6617 Carlisle Pike, Silver Spring Township, Cumberland County, Mechanicsburg, PA 17050 at 0.2037 acre +/- adjacent to SR 0011 Section(s) 13, for the purpose of parking only.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objections regarding the approval of this application to R. Scott Christie, P.E., District Engineer, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103-1699.

Questions regarding this application or the proposed use may be directed to Paulette Broody Alexander, Right-of-Way Representative, 2140 Herr Street, Harrisburg, PA 17103-1699, (717) 787-1419.

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

[Pa.B. Doc. No. 08-1907. Filed for public inspection October 17, 2008, 9:00 a.m.]

### Meetings Scheduled for 2008

#### *State Transportation Commission*

The last scheduled meeting in 2008 for the State Transportation Commission (STC) will be held on December 11, 2008, from 10 a.m. to 12 p.m. in the Commonwealth Keystone Building, Conference Room 8N1. For more information, contact Nolan Ritchie, Executive Secretary of STC at (717) 787-2913 or by means of e-mail at nritchie@state.pa.us.

#### *State Transportation Advisory Committee*

The last scheduled meeting in 2008 for the Transportation Advisory Committee (TAC) will be held on December 4, 2008, from 10 a.m. to 12 p.m. in the Commonwealth Keystone Building, Conference Room 8N1. For more information, contact Nolan Ritchie, Executive Secretary of TAC at (717) 787-2913 or by means of e-mail at nritchie@state.pa.us.

#### *Aviation Advisory Committee*

The last scheduled meeting in 2008 for the Aviation Advisory Committee (AAC) will be held on December 9, 2008, from 11 a.m. to 3 p.m. in the Commonwealth Keystone Building, Conference Room 8N1. For more information, contact Billie Kauffman, Acting Executive Secretary of AAC at (717) 705-1201 or by means of e-mail at bkauffman@state.pa.us.

#### *Motor Carrier Safety Advisory Committee*

The last scheduled meeting in 2008 for the Motor Carrier Safety Advisory Committee (MCAC) will be held on November 20, 2008, from 12:30 p.m. to 3 p.m. at the Pennsylvania Turnpike Commission Building. For more information, contact Nicole Cristini, Executive Secretary of MCAC at (717) 772-2511 or by means of e-mail at ncrisini@state.pa.us.

#### *Pedalcycle and Pedestrian Advisory Committee*

The last scheduled meeting in 2008 for the Pedalcycle and Pedestrian Advisory Committee (PPAC) will be held on December 11, 2008, from 1 p.m. to 3:30 p.m. in the Commonwealth Keystone Building, Conference Room 125C. For more information, contact David Bachman, Executive Secretary of PPAC at (717) 783-8444 or by means of e-mail at dbachman@state.pa.us.

For additional questions, contact Nolan Ritchie at (717) 787-2913 or by means of e-mail at nritchie@state.pa.us.

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

[Pa.B. Doc. No. 08-1908. Filed for public inspection October 17, 2008, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, October 2, 2008, and announced the following:

#### *Regulations Approved:*

Pennsylvania Gaming Control Board #125-84: Releases (amends 58 Pa. Code Chapters 405a, 407a, 421a, 433a and 435a)

State Conservation Commission #7-418: Facility Odor Management (establishes 25 Pa. Code Chapter 83, Subchapter G)

Environmental Quality Board #7-423: Radiological Health and Radon Certification Fees (amends 25 Pa. Code Chapters 218 and 240)

Environmental Quality Board #7-403: Water Resources Planning (amends Chapter 109 and adds Chapter 110 to Title 25 Pa. Code)

Department of Labor and Industry #12-71: Registration of Sign Language Interpreters and Transliterators (adds 34 Pa. Code Chapter 501)

**Approval Order**

Public Meeting held  
October 2, 2008

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; Alvin C. Bush, Vice Chairperson; Nancy Sabol Frantz, Esq., by Phone; Karen A. Miller; John F. Mizner, Esq.

*Pennsylvania Gaming Control Board—Releases;  
Regulation No. 125-84 (#2691)*

On April 21, 2008, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Gaming Control Board (Board). This rulemaking amends 58 Pa. Code Chapters 405a, 407a, 421a, 433a and 435a. The proposed regulation was published in the May 3, 2008 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on August 28, 2008.

This final-form regulation amends existing Board regulations to require that certain applicants must execute releases that will enable the Board to receive information under a request for information under the Freedom of Information Act (5 U.S.C. § 552).

We have determined this regulation is consistent with the statutory authority of the Board (4 Pa.C.S. § 1202(b)(30)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

**Approval Order**

Public Meeting held  
October 2, 2008

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; Alvin C. Bush, Vice Chairperson; Nancy Sabol Frantz, Esq., by Phone; Karen A. Miller; John F. Mizner, Esq.

*State Conservation Commission—  
Facility Odor Management;  
Regulation No. 7-418 (#2634)*

On August 22, 2007, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Conservation Commission (SCC). This rulemaking establishes 25 Pa. Code Chapter 83, Subchapter G. The proposed regulation was published in the September 1, 2007 *Pennsylvania Bulletin* with a 60-day public comment period. The final-form regulation was submitted to the Commission on August 28, 2008.

This regulation implements part of Act 38 of 2005 by requiring certain concentrated animal operations and concentrated animal feeding operations to file and implement odor management plans.

We have determined this regulation is consistent with the statutory authority of the SCC (3 Pa.C.S. § 504(1.1)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

**Approval Order**

Public Meeting held  
October 2, 2008

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; Alvin C. Bush, Vice Chairperson; Nancy Sabol Frantz, Esq., by Phone; Karen A. Miller; John F. Mizner, Esq.

*Environmental Quality Board—  
Radiological Health and Radon Certification Fees;  
Regulation No. 7-423 (#2681)*

On March 4, 2008, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapters 218 and 240. The proposed regulation was published in the March 15, 2008 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on August 29, 2008.

This regulation increases existing fees for the registrations, certifications, licenses and permits for radiation-producing machines, accelerators, radiation-producing machine service providers, radioactive materials, and radon detection and mitigation service providers. This is necessary to cover the costs of these regulatory programs and maintain compliance with the rules and standards of the U.S. Nuclear Regulatory Commission.

We have determined this regulation is consistent with the statutory authority of the Board (35 P. S. §§ 7110.301, 7110.302 and 7110.401, 71 P. S. § 510-20, and 63 P. S. § 2008) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

**Approval Order**

Public Meeting held  
October 2, 2008

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; Alvin C. Bush, Vice Chairperson; Nancy Sabol Frantz, Esq., by Phone; Karen A. Miller; John F. Mizner, Esq.

*Environmental Quality Board—  
Water Resources Planning;  
Regulation No. 7-403 (#2585)*

On November 17, 2006, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends Chapter 109 and adds Chapter 110 to Title 25 Pa. Code. The proposed regulation was published in the December 2, 2006 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on August 29, 2008.

This final-form regulation implements portions of Act 220 of 2002 which requires the Department of Environmental Protection to gather data on water use, need and availability, and to develop a State Water Plan.

We have determined this regulation is consistent with the statutory authority of the Board (27 Pa.C.S. § 3118(b)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

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**Approval Order**

Public Meeting held  
October 2, 2008

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; Alvin C. Bush, Vice Chairperson; Nancy Sabol Frantz, Esq., by Phone; Karen A. Miller; John F. Mizner, Esq.

*Department of Labor and Industry—  
Registration of Sign Language Interpreters and  
Transliterators;  
Regulation No. 12-71 (#2556)*

On July 10, 2006, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Labor and Industry (Depart-

ment). This rulemaking adds 34 Pa. Code Chapter 501. The proposed regulation was published in the July 22, 2006 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on July 8, 2008. At its August 21, 2008 public meeting, the Commission voted to disapprove the final-form regulation. On September 15, 2008, the Department submitted its report containing the revised final-form regulation to the Commission.

This rulemaking implements the Sign Language Interpreter and Transliterator State Registration Act of 2004.

We have determined this regulation is consistent with the statutory authority of the Department (63 P.S. § 1725.3(4)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 08-1909. Filed for public inspection October 17, 2008, 9:00 a.m.]

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**Notice of Filing of Final Rulemakings**

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, in Harrisburg, PA at 10:30 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or you can obtain a copy from our web site, [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

*Final-Form*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
57-252	Pennsylvania Public Utility Commission Implementation of the Alternative Energy Portfolio Standards Act of 2004	10/3/08	11/6/08
11-237	Insurance Department Prohibited Phrases	10/6/08	11/6/08
47-13	Milk Marketing Board Producer Receipt for Farm Bulk Tank Milk	10/6/08	11/6/08
7-422	Environmental Quality Board Diesel Vehicle Idling; and Auxiliary Power Systems	10/7/08	11/20/08
7-421	Environmental Quality Board Triennial Review of Water Quality Standards	10/7/08	11/20/08
7-409	Environmental Quality Board Hazardous Waste Regulations	10/7/08	11/20/08

*Final-Omit*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
7-429	Environmental Quality Board Clean Air Interstate Rule—Repeal	10/7/08	11/20/08

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 08-1910. Filed for public inspection October 17, 2008, 9:00 a.m.]

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## INSURANCE DEPARTMENT

### Erie Insurance Exchange; Private Passenger Automobile; Rate and Rule Revisions; Rate Filing

On September 24, 2008, the Insurance Department (Department) received from Erie Insurance Exchange a filing for rate level changes for private passenger automobile insurance. The company is proposing the addition of a Youthful Driver Longevity Discount and several other changes to existing rules.

The company requests an overall rate decrease of 1.40% amounting to \$11.9 million annually to be effective on December 1, 2008.

Unless formal administrative action is taken prior to November 23, 2008, the subject filing may be deemed approved by operation of law.

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

Interested parties are invited to submit written comments, suggestions or objections to Eric Zhou, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, e-mail at [gzhou@state.pa.us](mailto:gzhou@state.pa.us) within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 08-1911. Filed for public inspection October 17, 2008, 9:00 a.m.]

### Medical Care Availability and Reduction of Error Fund; Notice of and Amount of Assessment Action; Notice No. 2008-08

The Insurance Department (Department), Medical Care Availability and Reduction of Error Fund, by Peter J. Adams, Deputy Insurance Commissioner, under section 712 of the Medical Care Availability and Reduction of Error Act (act) (40 P. S. § 1303.712), has determined that the annual assessment to be levied for calendar year 2009 shall be 19% applied to the prevailing primary premium for each participating health care provider.

The act defines "prevailing primary premium" as the schedule of occurrence rates approved by the Insurance Commissioner for the Joint Underwriting Association (JUA). For purposes of the 2009 annual assessment, the rates shall be those currently approved for use by the JUA.

Participating health care providers having approved self-insurance plans shall be assessed an amount equal to the assessment imposed on a participating health care provider of like class, size, risk and kind as determined by the Department.

This action is subject to 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

PETER J. ADAMS,  
Deputy Insurance Commissioner

[Pa.B. Doc. No. 08-1912. Filed for public inspection October 17, 2008, 9:00 a.m.]

### UPMC Health Plan; Base Rate Filing; Rate Filing

On October 6, 2008, UPMC Health Plan submitted a rate filing to increase the base rates of its HMO Group product. The filing requests an average increase of 5.9%. This filing will affect approximately 5,846 contracts and produce additional premium income of about \$2.62 million annually. The requested effective date of the change is November 1, 2008.

Unless formal administrative action is taken prior to January 1, 2009, the subject filing may be deemed approved by operation of law.

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

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

Interested parties are invited to submit written or email comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [csandersjo@state.pa.us](mailto:csandersjo@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 08-1913. Filed for public inspection October 17, 2008, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The Liquor Control Board seeks the following new site:

Armstrong County, Wine & Spirits Store #0301, (New Store) Ford City, PA

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board up to 2,000 net useable square feet of new or existing retail commercial space. Location must be space serving Ford City and surrounding areas. A Central Business District is preferred. Site must have access for tractor trailer deliveries.

*Proposals due:* October 31, 2008, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222-1210  
**Contact:** George Danis, (412) 565-5130

The following Liquor Control Board lease will expire:

Montgomery County, Wine & Spirits Store #4616, (Relocation), Schwenksville, PA

Lease Expiration Date: April 30, 2009. Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 to 5,000 net useable square feet of new or existing retail commercial space. Location must be within a 3 mile radius of the intersection of Routes 73 and 29, Schwenksville, PA.

*Proposals due:* October 31, 2008, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113  
**Contact:** Robert Jolly, (215) 482-9670

PATRICK J. STAPLETON, III,  
*Chairperson*

[Pa.B. Doc. No. 08-1914. Filed for public inspection October 17, 2008, 9:00 a.m.]

## MILK MARKETING BOARD

### Hearing and Presubmission Schedule for All Milk Marketing Areas; Over-Order Premium

Under the Milk Marketing Law (31 P. S. § 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on December 3, 2008, at 10 a.m. in Room 202 of the Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning the level and duration of the Class I over-order premium.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on November 6, 2008, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on November 6, 2008, notification of their desire to be included as a party. Parties may indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to [deberly@state.pa.us](mailto:deberly@state.pa.us).

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing.

1. By 4 p.m. on November 12, 2008, the petitioner shall file with the Board, in person or by mail, one original and eight copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the petitioner, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as

an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on November 19, 2008, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 4 p.m. on November 25, 2008, parties shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

The Board may exclude witnesses or exhibits of a party that fails to comply with the previous requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing.

Parties that wish to offer in evidence documents on file with the Board, public documents, or records in other proceedings before the Board, or wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on November 20, 2008.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

KEITH BIERLY,  
*Secretary*

[Pa.B. Doc. No. 08-1915. Filed for public inspection October 17, 2008, 9:00 a.m.]

## PENNSYLVANIA INDUSTRIAL DEVELOPMENT AUTHORITY

### Interest Rates and Participation Rates

The Pennsylvania Industrial Development Authority (PIDA) gives notice of the change in the interest rate for loans approved by the PIDA Board of Directors. Loan applications approved by PIDA beginning at its October 2008, board meeting and until further notice will receive an interest rate of 3.00%. The schedule of participation rates and the interest rate effective in each county is as follows to this Notice as Annex A.

The PIDA Board retains the right to waive or modify the interest rates on a case by case basis for good cause shown.

Further information can be obtained from the Pennsylvania Industrial Development Authority, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120, (717) 787-6245.

DENNIS YABLONSKY,  
*Chairperson*

**PIDA  
PIDA Participation and Interest Rates  
for Counties And Municipalities\*  
Over 25,000 Population  
Effective October 2008 and forward  
(until further notice)**

	Maximum PIDA Participation		Interest Rate** %	Maximum PIDA Participation		Interest Rate** %
	(S)	(L)		(S)	(L)	
ADAMS	30 * * * *	30 * * * *	3.00	40 * * * *	40 * * * *	3.00
ALLEGHENY	40 * * *	30 * * * *	3.00	40 * * * *	40 * * * *	3.00
ARMSTRONG	40 * * *	40 * * *	3.00	40 * * * *	40 * * * *	3.00
BEAVER	40 * * *	30 * * * *	3.00	40 * * * *	40 * * * *	3.00
BEDFORD	40 * * *	40 * * *	3.00	40 * * * *	40 * * * *	3.00
BERKS	40 * * *	30 * * * *	3.00	40 * * * *	40 * * * *	3.00
Reading City	50	30 * * * *	3.00	40 * * * *	40 * * * *	3.00
BLAIR	40 * * *	40 * * *	3.00	40 * * * *	40 * * * *	3.00
BRADFORD	40 * * *	30 * * * *	3.00	40 * * * *	40 * * * *	3.00
BUCKS	40 * * *	30 * * * *	3.00	40 * * * *	40 * * * *	3.00
BUTLER	40 * * *	30 * * * *	3.00	40 * * * *	40 * * * *	3.00
CAMBRIA	40 * * *	40 * * *	3.00	40 * * * *	40 * * * *	3.00
Johnstown City	50	40 * * *	3.00	40 * * * *	40 * * * *	3.00
CAMERON	40 * * *	40 * * *	3.00	40 * * * *	40 * * * *	3.00
CARBON	40 * * *	40 * * *	3.00	40 * * * *	40 * * * *	3.00
CENTRE	40 * * *	40 * * *	3.00	40 * * * *	40 * * * *	3.00
CHESTER	30 * * * *	30 * * * *	3.00	40 * * * *	40 * * * *	3.00
CLARION	40 * * *	40 * * *	3.00	40 * * * *	40 * * * *	3.00
CLEARFIELD	40 * * *	40 * * *	3.00	40 * * * *	40 * * * *	3.00
Clearfield Borough	60	50	3.00	40 * * * *	40 * * * *	3.00
CLINTON	40 * * *	40 * * *	3.00	40 * * * *	40 * * * *	3.00
COLUMBIA	40 * * *	40 * * *	3.00	40 * * * *	40 * * * *	3.00
CRAWFORD	40 * * *	40 * * *	3.00	40 * * * *	40 * * * *	3.00
CUMBERLAND	30 * * * *	30 * * * *	3.00	40 * * * *	40 * * * *	3.00
DAUPHIN	40 * * *	30 * * * *	3.00	40 * * * *	40 * * * *	3.00
DELAWARE	40 * * *	30 * * * *	3.00	40 * * * *	40 * * * *	3.00
Chester City	50	30 * * * *	3.00	40 * * * *	40 * * * *	3.00
ELK	40 * * *	40 * * *	3.00	40 * * * *	40 * * * *	3.00
ERIE	40 * * *	40 * * *	3.00	40 * * * *	40 * * * *	3.00
FAYETTE	40 * * *	40 * * *	3.00	40 * * * *	40 * * * *	3.00
FOREST	50	40 * * *	3.00	40 * * * *	40 * * * *	3.00
FRANKLIN	40 * * *	30 * * * *	3.00	40 * * * *	40 * * * *	3.00
FULTON	40 * * *	30 * * * *	3.00	40 * * * *	40 * * * *	3.00
GREENE	40 * * *	40 * * *	3.00	40 * * * *	40 * * * *	3.00
HUNTINGDON	40 * * *	40 * * *	3.00	40 * * * *	40 * * * *	3.00
INDIANA	40 * * *	40 * * *	3.00	40 * * * *	40 * * * *	3.00
JEFFERSON	40 * * *	40 * * *	3.00	40 * * * *	40 * * * *	3.00
JUNIATA	40 * * *	30 * * * *	3.00	40 * * * *	40 * * * *	3.00
LACKAWANNA	40 * * *	30 * * * *	3.00	40 * * * *	40 * * * *	3.00
LANCASTER	30 * * * *	30 * * * *	3.00	40 * * * *	40 * * * *	3.00
Lancaster City	40 * * *	30 * * * *	3.00	40 * * * *	40 * * * *	3.00
LAWRENCE	40 * * *	40 * * *	3.00	40 * * * *	40 * * * *	3.00
New Castle City	50	40 * * *	3.00	40 * * * *	40 * * * *	3.00
LEBANON	40 * * *	30 * * * *	3.00	40 * * * *	40 * * * *	3.00
LEHIGH	40 * * *	30 * * * *	3.00	40 * * * *	40 * * * *	3.00
LUZERNE	40 * * *	40 * * *	3.00	40 * * * *	40 * * * *	3.00
Hazleton City	50	40 * * *	3.00	40 * * * *	40 * * * *	3.00
LYCOMING	40 * * *	30 * * * *	3.00	40 * * * *	40 * * * *	3.00
MCKEAN	40 * * *	40 * * *	3.00	40 * * * *	40 * * * *	3.00
MERCER	40 * * *	40 * * *	3.00	40 * * * *	40 * * * *	3.00
Sharon City	50	40 * * *	3.00	40 * * * *	40 * * * *	3.00
MIFFLIN	40 * * *	40 * * *	3.00	40 * * * *	40 * * * *	3.00
MONROE	40 * * *	30 * * * *	3.00	40 * * * *	40 * * * *	3.00
MONTGOMERY	40 * * *	30 * * * *	3.00	40 * * * *	40 * * * *	3.00
MONTOUR	40 * * *	30 * * * *	3.00	40 * * * *	40 * * * *	3.00
NORTHAMPTON	40 * * *	30 * * * *	3.00	40 * * * *	40 * * * *	3.00
NORTHUMBERLAND	40 * * *	40 * * *	3.00	40 * * * *	40 * * * *	3.00
PERRY	40 * * *	30 * * * *	3.00	40 * * * *	40 * * * *	3.00
PHILADELPHIA	50	40 * * *	3.00	40 * * * *	40 * * * *	3.00
PIKE	40 * * *	30 * * * *	3.00	40 * * * *	40 * * * *	3.00
POTTER	50	40 * * *	3.00	40 * * * *	40 * * * *	3.00
SCHUYLKILL	40 * * *	40 * * *	3.00	40 * * * *	40 * * * *	3.00
SNYDER	40 * * *	30 * * * *	3.00	40 * * * *	40 * * * *	3.00
SOMERSET	40 * * *	40 * * *	3.00	40 * * * *	40 * * * *	3.00
SULLIVAN	40 * * *	40 * * *	3.00	40 * * * *	40 * * * *	3.00
SUSQUEHANNA	40 * * *	30 * * * *	3.00	40 * * * *	40 * * * *	3.00
TIOGA	40 * * *	40 * * *	3.00	40 * * * *	40 * * * *	3.00
UNION	40 * * *	30 * * * *	3.00	40 * * * *	40 * * * *	3.00
VENANGO	40 * * *	40 * * *	3.00	40 * * * *	40 * * * *	3.00
WARREN	40 * * *	40 * * *	3.00	40 * * * *	40 * * * *	3.00
WASHINGTON	40 * * *	40 * * *	3.00	40 * * * *	40 * * * *	3.00
WAYNE	40 * * *	30 * * * *	3.00	40 * * * *	40 * * * *	3.00
WESTMORELAND	40 * * *	40 * * *	3.00	40 * * * *	40 * * * *	3.00
WYOMING	40 * * *	40 * * *	3.00	40 * * * *	40 * * * *	3.00
YORK	30 * * * *	30 * * * *	3.00	40 * * * *	40 * * * *	3.00
York City	50	30 * * * *	3.00	40 * * * *	40 * * * *	3.00

\* Municipalities are listed only if PIDA rate differs from County rate.

\*\* Based on calendar year 2007 unemployment rate. Subject to change at discretion of the PIDA Board.



(S) Small Business (Less than 50 existing employees, including parent, subsidiaries and affiliates.)

(L) Large Business.

*Special Note:* Projects located in Designated Enterprise Zones, Financially Distressed Municipalities under Act 47 (Over), Federal Empowerment Zones, Federal Enterprise Communities, Keystone Opportunity Zones, Keystone Opportunity Expansion Zones, Keystone Opportunity Improvement Zones, Keystone Innovation Zones, Brownfield Sites and Companies Designated as Advanced Tech Firms will receive an interest rate of 3%.

Also, projects located in Keystone Innovation Zones are eligible to receive participation rates of up to 75% at the discretion of the PIDA Board.

\* \* \* 10% Equity required

\* \* \* \* 20% Equity required

[Pa.B. Doc. No. 08-1916. Filed for public inspection October 17, 2008, 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 November 3, 2008. 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-2008-2060956. Travel Time Travel Agency, Inc.** (1044 New Holland Avenue, Lancaster County, Lancaster, PA 17601), a closed corporation of the Commonwealth—persons in limousine service, from points in the Counties of Adams, Berks, Dauphin, Lancaster, Lebanon and York to points in Pennsylvania, and return, excluding service which is under the jurisdiction of the Philadelphia Parking Authority.

**A-2008-2062639. (Corrected) Madalyn Maty Ciabatonni t/a The Reading Express Airport Shuttle** (401 Perkasio Avenue, West Lawn, Berks County, PA 19609)—in airport transfer service, from Reading Regional Airport, Reading, Berks County, to the following airports: Harrisburg International Airport, Middletown, Dauphin County; Lehigh Valley International Airport located in the Township of Hanover, Lehigh County; from Lancaster Airport located in Lititz, Lancaster County and Philadelphia International Airport, located in the City

and County of Philadelphia and the Township of Tinicum, Delaware County; and vice versa.

#### **Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.**

**A-2008-2056408. Dean L. Moose, t/a Virostick Transfer Company** (159 Pitt Street, Sharon, Mercer County, PA 16146), for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use: (1) between points in the City of Farrell, Mercer County, and within 5 miles by the usually traveled highways of the limits thereof, and from points in said territory, to points in Pennsylvania, and vice versa; (2) between points in the City of Farrell, Mercer County, and within 10 miles by the usually traveled highways of the limits of said city; and (3) between points in the County of Mercer, and from points in said county, to points in Pennsylvania, and vice versa, which is to be a transfer of all the rights authorized under the Certificate issued at A-00117054 to Richard L. and Betty J. Moore, Copartners, t/d/b/a Virostick Transfer Company, subject to the same limitations and conditions. *Attorney:* Robert Clark, Esquire, 201 North Market Street, New Wilmington, PA 16142.

**A-2008-2065173. J.B. Taxi, LLC** (834 Duss Avenue, Ambridge, Beaver County, PA 15003)—a limited liability corporation of the Commonwealth—in call or demand, in the Counties of Beaver, Lawrence, Mercer and Crawford which is to be a transfer of all rights authorized under the certificate issued at A-00118810, F.1 to Felix Szczepanski, t/d/b/a J.B. Taxi, subject to the same limitations and conditions. *Attorney:* David Donley, 3361 Stafford Street, Pittsburgh, PA 15204.

#### **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-2008-2065150. Black Diamond Cab Company, Inc.** (527 West Saylor Street, Atlas, Northumberland County, PA 17851)—a corporation of the Commonwealth—persons upon call or demand, in the Boroughs of Frackville, Mahanoy City, Ringtown and Shenandoah, and within an airline distance of 10 statute miles of the limits of said boroughs, all in Schuylkill County: *So As To Permit:* the transportation of persons upon call or demand, in the City of Pottsville, and points in Schuylkill County within an airline distance of 4 statute miles of said city. *Attorney:* Hugh A. Jones, Esquire, Diehl & Jones, 1070 Market Street, Sunbury, PA 17801.

#### **Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.**

**A-2008-2065061. (Corrected) Limousines For Less, Inc.** (315 Clermont Avenue, Stroudsburg, Monroe County, PA 18360)—a corporation of the Commonwealth—persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in Monroe County, to points in Pennsylvania, and return.

**A-2008-2065554. THG Transport, Inc.** (1147 Saint Finegan Drive, West Chester, Chester County, PA 19382), a corporation of the Commonwealth—for the additional right to transport, as a common carrier, by motor vehicle, persons, in limousine service, from points in the Counties

of Chester, Montgomery, Delaware, York and Lancaster, to points in Pennsylvania, and return, excluding service which is under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* Kristin S. Camp, Esquire, 118 West Market Street, West Chester, PA 19382.

**Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods by transfer of rights as described under each application.**

**A-2008-2061325 (Corrected)Wherley Generations, Inc.** (1201 Greenwood Street, York, York County, PA 17404)—a corporation of the Commonwealth—for the additional right to transport, as a common carrier, by motor vehicle, household goods in use, from points in the City of York, York County, and within 14 miles by the usually traveled highways of the limits of said city, and from points in the City of Harrisburg, Dauphin County, and within 10 miles by the usually traveled highways of the limits of said city, to points in Pennsylvania and vice versa; which is to be a transfer of all the right authorized under the certificate issued at A-00120334 to Leonard-Wherley Moving Systems, Inc., subject to the same limitations and conditions. *Attorney:* J. Bruce Walter, Rhoads & Sinon, LLP, P. O. Box 1146, Harrisburg, PA 17108, (717) 233-5731.

**Application of the following for the approval of the transfer of stock as described under the application.**

**A-2008-2060970. Larose Limousine Service, Inc.** (1110 Joyce Street, Stroudsburg, Monroe County, PA 18360), a corporation of the Commonwealth, for the approval of the transfer of 100 shares of issued and outstanding shares held by Louis J. and Patricia M. DePietro to Waleed M. Damra. *Attorney:* F. Kirk Adams, Esquire, 6 East Hinckley Avenue, Ridley Park, PA 19078.

**Application 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 the application.**

**A-2008-2066734. JMC Properties, LLC, t/a A Plus Classic Limousine** (4989 Lighthouse Road, Chambersburg, Franklin County, PA 17201), a limited liability company of the Commonwealth—for discontinuance of service and cancellation of its Certificate as a common carrier, by motor vehicle, authorizing the transportation of persons in limousine service from points in the Counties of Adams, Cumberland, Franklin and Fulton, to points in Pennsylvania and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Ricon Incorporated;*  
*Doc. No. C-2008-2048072*

#### 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 Ricon Incorporated (respondent) is under suspension effective August 14, 2003 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 15 Rock Springs Road, Delmont, PA 15626.
3. That respondent was issued a Certificate of Public Convenience by this Commission on June 3, 2001 at Application Docket No. A-00117474.
4. That respondent has failed to maintain evidence of 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. for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

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 that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services and Enforcement  
Bureau of Transportation and Safety

#### NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

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

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in the Complaint by certified check or money order 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

Acord Certificates of Insurance and Faxed Form Es and Hs are **Unacceptable** as Evidence of Insurance.

The fine payment must be made to the Commonwealth of Pennsylvania and forwarded to:

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

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations.

Upon receipt of the evidence of insurance from your insurer and receipt of your fine payment, the Complaint proceeding shall be closed.

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.

*Pennsylvania Public Utility Commission, Bureau of  
 Transportation and Safety v. Lobianco Trucking Co.;*  
*Doc. No. C-2008-2048188*

#### 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 Lobianco Trucking Co. (respondent) is under suspension effective April 10, 2004 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 100 West Crone Road, York, PA 17402.

3. That respondent was issued a Certificate of Public Convenience by this Commission on December 1, 1981 at Application Docket No. A-00101992.

4. That respondent has failed to maintain evidence of Liability insurance and Cargo 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. for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

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 that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
 Wendy J. Keezel, Chief of Enforcement  
 Motor Carrier Services and Enforcement  
 Bureau of Transportation and Safety

#### NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation

of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

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

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in the Complaint by certified check or money order 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

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

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations.

Upon receipt of the evidence of insurance from your insurer and receipt of your fine payment, the Complaint proceeding shall be closed.

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.

\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of  
 Transportation and Safety v. Daniel Siniawa;  
 Doc. No. C-2008-2048076*

### 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 Daniel Siniawa (respondent) is under suspension effective December 4, 1996 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at Route 6, Scranton, PA 18508.
3. That respondent was issued a Certificate of Public Convenience by this Commission on March 14, 1962, at Application Docket No. A-00088504.
4. That respondent has failed to maintain evidence of Liability insurance and Cargo 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. for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

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 that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
 Wendy J. Keezel, Chief of Enforcement  
 Motor Carrier Services and Enforcement  
 Bureau of Transportation and Safety

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

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

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in the Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint.

The proof of insurance must be filed with the:

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 and Safety  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

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 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations.

Upon receipt of the evidence of insurance from your insurer and receipt of your fine payment, the Complaint proceeding shall be closed.

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.

\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of  
 Transportation and Safety v. K.C.G. Foods, Inc.;*  
*Doc. No. C-2008-2050839*

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 K.C.G. Foods, Inc. (respondent) is under suspension effective March 1, 2006 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 356 Goucher Street, Johnstown, PA 15905.

3. That respondent was issued a Certificate of Public Convenience by this Commission on September 11, 1999, at Application Docket No. A-00116102.

4. That respondent has failed to maintain evidence of Bond 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 § 2.11(a), § 2.12(a) or § 2.13(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. for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

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 that the

Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services and Enforcement  
Bureau of Transportation and Safety

#### NOTICE

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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 and by paying the fine proposed in the Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint.

The proof of insurance must be filed with the:

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Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

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Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations.

Upon receipt of the evidence of insurance from your insurer and receipt of your fine payment, the Complaint proceeding shall be closed.

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.

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\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. Pittsburgh Transportation  
Service Inc.; Doc. No. C-2008-2048296*

#### 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 Pittsburgh Transportation Service, Inc. (respondent) is under suspension effective January 7, 2004 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at P. O. Box 387, Cecil, PA 15321.

3. That respondent was issued a Certificate of Public Convenience by this Commission on January 26, 1996 at Application Docket No. A-00112368.

4. That respondent has failed to maintain evidence of Liability insurance and Cargo 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. for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

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 that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
 Wendy J. Keezel, Chief of Enforcement  
 Motor Carrier Services and Enforcement  
 Bureau of Transportation and Safety

NOTICE

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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.

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JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-1917. Filed for public inspection October 17, 2008, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Telecommunications

**A-2008-2067230. Verizon Pennsylvania, Inc. and PaeTec Communications, Inc.** Joint petition of Verizon Pennsylvania, Inc. and PaeTec Communications, Inc. for approval of amendment Nos. 6 and 7 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and PaeTec Communications, Inc., by its counsel, filed on September 30, 2008, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment Nos. 6 and 7 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 PaeTec Communications, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-1918. Filed for public inspection October 17, 2008, 9:00 a.m.]

# STATE BOARD OF EDUCATION

## Affordability of Post-Secondary Education; Public Hearings

Notice is hereby given that the Council of Higher Education of the State Board of Education has scheduled a series of five regional public hearings to receive input from college students, recent graduates, parents, higher education officials and others regarding the affordability of post-secondary education in this Commonwealth. This issue has been and is increasingly a serious concern of the Council. It is the first issue addressed in the Master Plan for Higher Education approved by the Board in September 2005. With costs to attend college continuing to escalate, combined with relatively flat Federal, State and institutional financial aid and increasingly restricted public and private loan markets, the Council of Higher Education seeks to understand how these factors are impacting the ability of those wishing to attend college to afford postsecondary education without taking on worrisome debt burdens that must be repaid after graduation.

The dates and locations of the five regional public hearings are as follows. Hearings will begin at 10 a.m., and will continue until all testimony is received. A lunch break may be scheduled if necessary. Individuals must register in advance to present testimony at the hearing. Participants will each be assigned a 10-minute time slot to present their testimony. Participants will be assigned a 10-minute time slot when they register. Those registered to present testimony are requested to arrive approximately 30 minutes prior to their scheduled time slot and be prepared to present their testimony prior to their designated time.

Persons interested in presenting testimony must telephone or email the State Board of Education office at (717) 787-3787, (TTY) (717) 783-8445 or [babaker@state.pa.us](mailto:babaker@state.pa.us), Monday through Friday (excluding holidays), between 8:30 a.m. and 4 p.m. by the deadlines listed for each location as listed.

Testimony is limited to no more than 10 minutes. Those registered to testify must provide 25 copies of their written comments at the time testimony is presented. Written comments may be more extensive than the testimony presented during the 10-minute time slot.

Individuals with disabilities needing special accommodations in order to participate or attend the hearings, such as sign language interpreter services, must contact the State Board of Education office at the previously listed telephone number by the deadline date for registration at each session. Alternative formats of the documents (for example, Braille, large print, cassette tape) can be made available to members of the public upon request to the State Board Office.

Individuals unable to attend the hearing are encouraged to submit written comments directly to the State Board of Education on or before 4 p.m., November 5, 2008. Copies of testimony will be provided to each member of the State Board of Education. Comments

should be sent to Council of Higher Education, State Board of Education, 333 Market Street, Harrisburg, PA 17126-0333.

Persons with disabilities are invited to submit testimony in alternative formats such as Braille or taped testimony and by means of the telephone. Written and alternative formats of testimony will be afforded the same thoughtful consideration by the Committee as oral testimony. Written and alternative formats of testimony may be as long as the writer wishes; 25 copies of written testimony are required.

Should registrants scheduled to provide testimony need to cancel their participation, the State Board requests that they immediately notify the State Board office by calling (717) 787-3787 or email at [babaker@state.pa.us](mailto:babaker@state.pa.us).

### *Schedule of Public Hearings*

<i>Date/Time</i>	<i>Location</i>	<i>Registration Deadline</i>
October 23 10 a.m.	Luzerne County Community College Conference Center— Room 131 1333 South Prospect Street Nanticoke, PA 18634 (570) 740-0200	October 22
October 24 10 a.m.	Community College of Philadelphia Center for Business & Industry C2.5—Lecture Room 1700 Spring Garden Street Philadelphia, PA 19130 (215) 751-8010	October 23
October 28 10 a.m.	Harrisburg Area Community College Cooper Student Union—Room 204 One HAAC Drive Harrisburg, PA 17110 (717) 780-2300	October 27
October 29 10 a.m.	Community College of Allegheny County Dining Room—NWG-N524 Boyce Campus, Monroeville 595 Beatty Road Monroeville, PA 15146 (724) 327-1327	October 28

In addition, one additional hearing will be scheduled in the Northwest region of the State at a location and date to be identified on the State Board of Education web page on the Department of Education web site ([www.pde.state.pa.us](http://www.pde.state.pa.us)).

### *Resources:*

Master Plan for Higher Education, State Board of Education  
[www.pde.state.pa.us/stateboard\\_ed/cwp/view.asp?Q=115321&A=3](http://www.pde.state.pa.us/stateboard_ed/cwp/view.asp?Q=115321&A=3)

Colleges and Universities Education Digest—2004-2005, Department of Education  
[www.pdehighered.state.pa.us/higher/cwp/view.asp?a=11&q=128621](http://www.pdehighered.state.pa.us/higher/cwp/view.asp?a=11&q=128621)



Measuring Up 2006—State Report Card on Higher Education, National Center for Public Policy and Higher Education  
 measuringup.highereducation.org/\_docs/2006/statereports/PA06.pdf

JIM BUCKHEIT,  
*Executive Director*

[Pa.B. Doc. No. 08-1919. Filed for public inspection October 17, 2008, 9:00 a.m.]

## STATE BOARD OF EDUCATION

### Center Area and Monaca School Districts to Consolidate

On September 18, 2008, the State Board of Education adopted the following resolution that approved the application submitted by the Center Area and Monaca School Districts to consolidate. The resolution further directs the Secretary of Education to issue a certificate establishing the new consolidated school district.

JIM BUCKHEIT,  
*Executive Director*

#### State Board of Education Resolution

*Whereas*, Section 224 of the Public School Code of 1949 (Code) provides that “[a]ny two or more school districts or administrative units may combine to create a larger school district,” and that “[t]he board of school directors of each school district desiring to form such a combination shall, by a majority vote, adopt a resolution outlining the areas to be combined and file an application for approval with the [Secretary of Education]” and

*Whereas*, the Board of School Directors of the Center Area School District and the Board of School Directors of the Monaca School District on June 12, 2008, each approved resolutions to combine the school districts and filed an application with the Secretary of Education seeking approval of the combination by the State Board of Education; and

*Whereas*, on June 23, 2008, the Secretary of Education placed on the agenda of the September, 2008 meeting of the State Board of Education (Board) the application for consideration by the Board; and

*Whereas*, the Board caused to be published in the *Pennsylvania Bulletin* (38 Pa.B. 3959 (July 19, 2008)), the *Pittsburgh Post-Gazette* (August 1, 2008) and the *Beaver County Times* (August 1, 2008), public notice of the opportunity for any school district or interested party, aggrieved by the petition, to file its objection or provide comments; and

*Whereas*, the Board committee designated by the chair of the Board to review the application conducted a public hearing on August 18, 2008, in Center Township, Beaver County, Pennsylvania, and on August 19, 2008, met with school district officials in the Center Area School District and the Monaca School District and visited schools in both districts; and

*Whereas*, based upon its review of the application, meetings with school officials, public comments and testimony, and visit to the school district, the committee recommended that the Board approve the application to combine the school district.

*Now, Therefore*, the Board hereby finds the combination of the Center Area School District and the Monaca School District to be in the best interests of the educational system of the Commonwealth and, therefore, approves the application to combine the school districts pursuant to section 224 of the Public School Code; and

*Further*, the Board directs the Secretary of Education to issue a certificate creating, effective July 1, 2009, a new school district of the third class consisting of the Township of Center, the Township of Potter, and the Borough of Monaca, all situate in Beaver County, and to be known as the Center-Monaca School District or such other name upon which the boards of school directors of the two school districts might mutually agree and communicate to the Secretary of Education for inclusion in the certificate.

[Pa.B. Doc. No. 08-1920. Filed for public inspection October 17, 2008, 9:00 a.m.]

## STATE EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

The following hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to the State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

November 12, 2008	Gerald G. Hughes (D) Contested Death Benefit	1 p.m.
November 17 and 18, 2008	Rolf Larsen (Effective Date of Retirement and Final Average Salary)	9 a.m.
November 19, 2008	Christopher Woronchuk Reinstatement of Disability Retirement Benefits	1 p.m.
December 10, 2008	Steven Bunnell Payment of Present Value of Retirement Account	1 p.m.

Parties in each respective case may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with the 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

LEONARD KNEPP,  
*Secretary*

[Pa.B. Doc. No. 08-1921. Filed for public inspection October 17, 2008, 9:00 a.m.]