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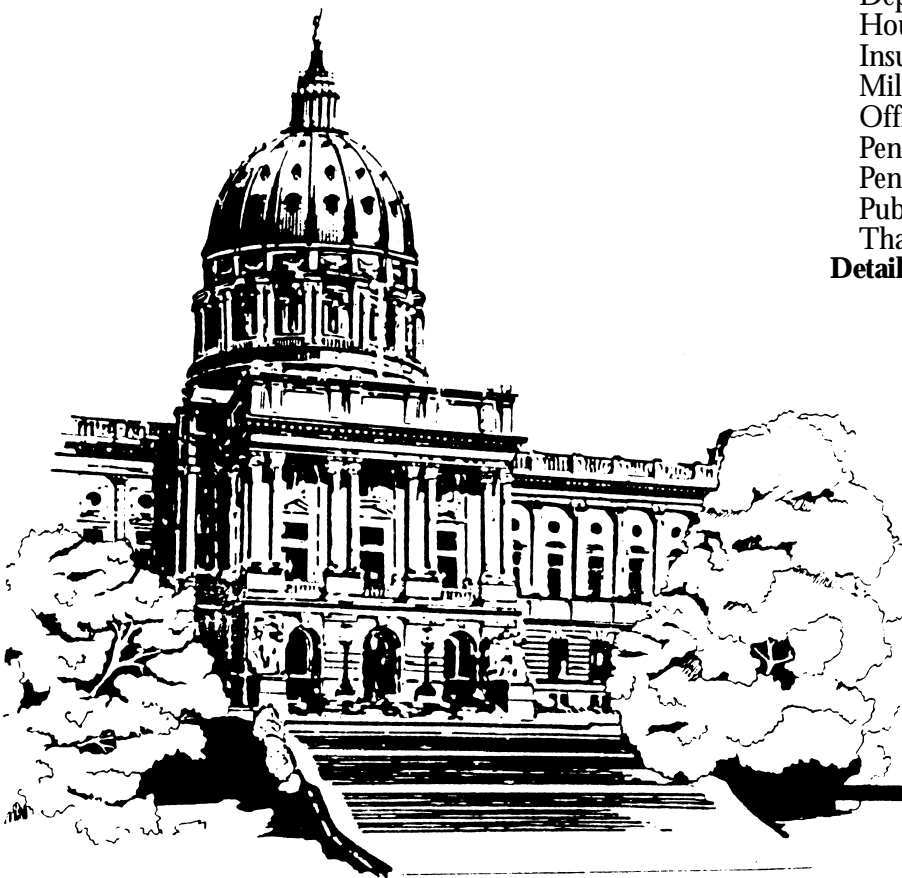
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PENNSYLVANIA BULLETIN

Volume 38
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The Courts
Department of Banking
Department of Conservation and Natural Resources
Department of Environmental Protection
Department of Health
Department of Public Welfare
Department of Transportation
Housing Finance Agency
Insurance Department
Milk Marketing Board
Office of the Budget
Pennsylvania House of Representatives
Pennsylvania Public Utility Commission
Public School Employees' Retirement Board
Thaddeus Stevens College of Technology
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**Latest Pennsylvania Code Reporter
(Master Transmittal Sheet):**

No. 409, December 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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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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

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THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 83]

Amendment of Pennsylvania Rules of Disciplinary Enforcement 208, 215 and 402; No. 71; Disciplinary Rules; Doc. No. 1

Order

Per Curiam:

And Now, this 12th day of December, 2008, Rules 208, 215 and 402 of the Pennsylvania Rules of Disciplinary Enforcement are amended to read as set forth in Annex A.

This Order shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration. The amendments adopted hereby shall take effect immediately.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart B. DISCIPLINARY ENFORCEMENT

CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Subchapter B. MISCONDUCT

Rule 208. Procedure.

(a) *Informal proceedings.*

* * * * *

(2) Upon the conclusion of an investigation, Disciplinary Counsel may dismiss the complaint as frivolous, [or] as falling outside the jurisdiction of the Board, or on the basis of Board policy or prosecutorial discretion. Disciplinary Counsel may recommend:

* * * * *

(3) Except where [the complaint is dismissed because] Disciplinary Counsel dismisses the complaint [is] as frivolous, [or falls] as falling outside the jurisdiction of the Board, or on the basis of Board policy or prosecutorial discretion, the recommended disposition shall be reviewed by a member of a hearing committee in the appropriate disciplinary district who may approve or modify.

* * * * *

Rule 215. [Resignations by attorneys under disciplinary investigation] Discipline on Consent.

* * * * *

(c) *Confidentiality of resignation statement.* The order disbaring the attorney on consent shall be a matter of public record. If the statement required under the provisions of subdivision (a) of this rule is submitted before the filing and service of a petition for discipline and the filing

of an answer or the time to file an answer has expired, the statement shall not be publicly disclosed or made available for use in any proceeding other than a subsequent reinstatement proceeding except:

* * * * *

(3) upon a request of another jurisdiction for purposes of a reciprocal disciplinary proceeding, [or]

(4) upon a request by the Pennsylvania Lawyers Fund for Client Security Board pursuant to Enforcement Rule 521(a) (relating to cooperation with Disciplinary Board) [.], or

(5) when the resignation is based on an order of temporary suspension from the practice of law entered by the Court either pursuant to Enforcement Rule 208(f)(1) (relating to emergency temporary suspension orders and related relief) or pursuant to Enforcement Rule 214 (relating to attorneys convicted of crimes).

* * * * *

Subchapter D. MISCELLANEOUS PROVISIONS

Rule 402. Access to Disciplinary Information and Confidentiality.

* * * * *

(c) Until the proceedings are open under subdivision (a) or (b), all proceedings involving allegations of misconduct by or disability of an attorney shall be kept confidential unless:

* * * * *

(3) the proceeding is based on an order of temporary suspension from the practice of law entered by the Court pursuant to Enforcement Rule 208(f)(1) (relating to emergency temporary suspension orders and related relief);

[(3)] (4) in matters involving alleged disability, the Supreme Court enters its order transferring the respondent-attorney to inactive status pursuant to Enforcement Rule 301 (relating to proceedings where an attorney is declared to be incompetent or is alleged to be incapacitated); or

[(4)] (5) there is a need to notify another person or organization, including the Lawyers' Fund for Client Security, in order to protect the public, the administration of justice, or the legal profession.

* * * * *

(g) Except as provided in subsection (h), if nonpublic information is requested pursuant to subdivision (d)(1)(i), (iii), (iv) or (v) and the respondent-attorney has not signed an applicable waiver of confidentiality, the respondent-attorney shall be notified in writing at the last known address of the respondent-attorney of what information has been requested and by whom, together with a copy of the information proposed to be released to the requesting agency or board. The notice shall advise the respondent-attorney that the information will be released 20 days after mailing of the notice unless the lawyer objects to the disclosure. If the lawyer timely objects to the disclosure, the information shall remain confidential unless the requesting agency or board obtains an order of the Supreme Court requiring its release or the respondent-attorney withdraws the objection.

(h) If an agency or board requesting the release of information under subdivision (d)(1) **other than the Judicial Conduct Board and the Pennsylvania Lawyers Fund for Client Security Board** has not obtained an applicable waiver of confidentiality from the respondent-attorney, and the agency or board requests that the information be released without giving notice to the respondent-attorney, the requesting agency or board shall certify that:

* * * * *

[Pa.B. Doc. No. 08-2338. Filed for public inspection December 26, 2008, 9:00 a.m.]

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CHS. 1 AND 11]

Order Amending Rules 121 and 1121 of the Rules of Juvenile Court Procedure; No. 455; Supreme Court Rules; Doc. No. 1

Order

Per Curiam:

Now, this 12th day of December, 2008, upon the recommendation of the Juvenile Court Procedural Rules Committee; the proposal having been published before adoption at 38 Pa.B. 1349 (March 22, 2008), in the Atlantic Reporter (Second Series Advance Sheets, Vol. 940, March 14, 2008), and on the Supreme Court's web-page, and an *Explanatory Report* to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the amendments to Rules 121 and 1121 of the Rules of Juvenile Court Procedure are adopted as follows.

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

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

CHAPTER 1. GENERAL PROVISIONS

Rule 121. Local Rules.

A. **Definition of Local Rule.** For the purpose of this rule, the term, "local rule" shall include every rule, **administrative order**, regulation, directive, policy, custom, usage, form, or order of general application, however labeled or promulgated, **which is** adopted or enforced by a court of common pleas to govern juvenile delinquency practice and procedure[, **which requires a party or party's attorney to do or refrain from doing something**].

B. ***Vacated Local Rules and Repromulgation.*** [All previously promulgated local rules are hereby vacated, effective October 1, 2005.]

1) All local rules promulgated before October 1, 2005 were vacated at the time of the adoption of these Rules.

2) Each judicial district may promulgate new local rules that do not conflict with the Rules of Juvenile Court Procedure after submission under paragraph (D).

C. ***Corresponding numbers.*** Local rules shall be given numbers that are keyed to the number of the Rules of Juvenile Court Procedure to which the local rules correspond.

[Local rules shall not be inconsistent with any rule of the Supreme Court or any Act of Assembly.

1) Each judicial district may promulgate new local rules that do not conflict with the Rules of Juvenile Court Procedure.

2) Local rules shall be given numbers that are keyed to the number of the Rules of Juvenile Court Procedure to which the local rules correspond.

D. A local rule shall not become effective and enforceable until the adopting court has fully complied with all the following requirements:

1) A local rule shall be in writing.

2) Seven certified copies of the local rule shall be filed by the court promulgating the rule with the Administrative Office of Pennsylvania Courts.

3) Two certified copies of the local rule shall be distributed by the court promulgating the rule to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

4) One certified copy of the local rule shall be filed by the court promulgating the rule with the Juvenile Court Procedural Rules Committee.

5) The local rules shall be kept continuously available for public inspection and copying in the office of the clerk of courts. Upon request and payment of reasonable costs of reproduction and mailing, the clerk shall furnish to any person a copy of any local rule.

E. A local rule shall become effective not less than thirty days after the date of publication of the rule in the *Pennsylvania Bulletin*.

F. No case shall be dismissed nor request for relief granted or denied because of the failure to comply with a local rule. In any case of noncompliance with a local rule, the court shall alert the party to the specific provision at issue and provide a reasonable time for the attorney to comply with the local rule.

G. The Juvenile Court Procedural Rules Committee may at any time recommend that the Supreme Court suspend, vacate, or require amendment of a local rule and may suspend that local rule pending action by the Court on that recommendation.]

D. *Submission to Committee.*

1) All proposed local delinquency rules and proposed amendments to local delinquency rules shall be submitted in writing to the Juvenile Court Procedural Rules Committee for the Committee to review.

2) The adopting court shall not proceed with the proposed local rule or amendments until the adopting court receives written notification from the Committee that the proposed local rule or amendments are not inconsistent with any general rule of the Supreme Court.

E. Vacating and Suspending Local Rules. Local rules shall not be inconsistent with any rule of the Supreme Court or any Act of Assembly.

1) The Juvenile Court Procedural Rules Committee may at any time recommend that the Supreme Court suspend, vacate, or require amendment of a local rule.

2) The Juvenile Court Procedural Rules Committee may suspend that local rule pending action by the Court on that recommendation.

F. Publication of Local Rules. All local rules shall be published in the *Pennsylvania Bulletin* to be effective and enforceable.

1) The adopting court shall not publish the local rule in the *Pennsylvania Bulletin* until it has received the statement from the Committee that the proposed local rule is not inconsistent with any general rule of the Supreme Court.

2) The adopting court shall submit the following items to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*:

a) two certified copies of the local rule;

b) a copy of the local rule on a computer diskette, CD-ROM, or electronic copy that complies with the requirements of 1 Pa. Code § 13.11(b)—(f); and

c) a copy of the written notification, received from the Juvenile Court Procedural Rules Committee, providing that the local rule is not inconsistent with the Pennsylvania Rules of Juvenile Court Procedure.

3) The effective date of the local rule shall not be less than 30 days after the date of publication of the rule in the *Pennsylvania Bulletin*.

G. Filing with AOPC. Contemporaneously with publishing the local rule in the *Pennsylvania Bulletin*, the adopting court shall file one certified copy of the local rule with the Administrative Office of Pennsylvania Courts.

H. Public Inspection.

1) The local rules shall be kept continuously available for public inspection and copying in the office of the clerk of courts.

2) Upon request and payment of reasonable costs of reproduction and mailing, the clerk shall furnish to any person a copy of any local rule.

I. Mandatory Acceptance of Filing.

1) No pleading or other legal paper shall be refused for filing by the clerk of courts based on a requirement of a local rule.

2) No case shall be dismissed nor request for relief granted or denied because of the failure to comply with a local rule.

3) In any case of noncompliance with a local rule, the court shall alert the party to the specific provision at issue and provide a reasonable time for the party to comply with the local rule.

Comment

* * * * *

The caption or other words used as a label or designation [shall] is not to determine whether something is or establishes a local rule; if the definition in paragraph (A)

of this rule is satisfied, the matter is a local rule regardless of what it may be called. The provisions of this rule also are intended to apply to any amendments to a "local rule." Nothing in this rule is intended to apply to case-specific orders.

Paragraph (B) [vacates] vacated all current local rules on October 1, 2005, the original effective date of this rule. The local rules are to be repromulgated to comply with this rule. This includes rekeying pursuant to paragraph (C) [(2)] and meeting the appropriate filing requirements under [paragraph] paragraphs [(D)] (F) and (G).

To simplify the use of local rules, local juvenile delinquency procedural rules are required to be given numbers that are keyed to the number of the general juvenile delinquency procedural rules to which the local rules correspond pursuant to paragraph (C). This requirement is not intended to apply to local rules that govern the general business of the court and which do not correspond to a general juvenile delinquency procedural rule.

Paragraph (D), added in 2008, requires that, before publishing the local rule or proceeding with any of the other requirements in paragraphs (F) and (G), the adopting court must submit all proposed local delinquency rules or rule amendments to the Juvenile Court Procedural Rules Committee for review.

[The purpose of paragraph (D) is to] The 2008 amendments emphasize that the adopting authority [shall] is to comply with all the provisions of [paragraph (D)] this rule before any local rule, or any amendment to local rules, will be effective and enforceable.

Paragraph (F) requires the local rule to be published in the *Pennsylvania Bulletin* to be effective. Pursuant to 1 Pa. Code § 13.11(b)—(f), any documents that are submitted for publication must be accompanied by a diskette or CD-ROM formatted in MS-DOS, ASCII, Microsoft Word, or WordPerfect or in lieu of a diskette or CD-ROM, an electronic copy may be submitted to Legislative Reference Bureau at pabsupreme@palrb.us. The diskette, CD-ROM, or email cover sheet must be labeled with the court's name and address and the local rule's computer file name. In addition, a copy of the written notification, received from the Juvenile Court Procedural Rules Committee, that the local rule is not inconsistent with the Rules of Juvenile Court Procedure is to be submitted.

[Paragraph (D)(5) requires that a separate consolidated set of local rules be maintained in the clerk's office.

The Administrative Office of Pennsylvania Courts maintains a web-page containing the text of local rules. That web-page is located at: <http://www.courts.state.pa.us/judicial-council/local-rules/index.htm>.]

Pursuant to paragraph (F)(2), an electronic copy is a document sent via email to the *Pennsylvania Bulletin*.

Although under paragraph [(E)](F)(3) a local rule [shall] is not to be effective until at least thirty days after the date of publication in the *Pennsylvania Bulletin*,

when a situation arises that requires immediate action, the local court may act by specific orders governing particular cases in the interim before an applicable local rule becomes effective.

The Administrative Office of Pennsylvania Courts maintains a web-page containing the text of local rules. That web-page is located at: <http://www.pacourts.us/T/SpecialCourts/LocalRules.htm>.

Paragraph (H) requires that a separate consolidated set of local rules be maintained in the clerk's office.

The purpose of paragraph ([F] I) is to: 1) require that all documents presented for filing are accepted by the clerk of court, also see Rule 345 (A)(2); and 2) prevent the dismissal of cases, or the granting or denial of requested relief, because a party has failed to comply with a local rule. In addition, paragraph ([F] I) requires that the party be alerted to the local rule, and be given a reasonable amount of time to comply with the local rule.

After the court has alerted the party to the local rule pursuant to paragraph ([F] I), the court may impose a sanction for subsequent noncompliance either on the attorney or the juvenile if proceeding *pro se*, but may not dismiss the case, or grant or deny relief because of non-compliance.

Official Note: Rule 121 adopted April 1, 2005, effective October 1, 2005. Amended December 12, effective immediately.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 121 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 1121 published with the Court's Order at 38 Pa.B. 7084 (December 27, 2008).

Subpart B. DEPENDENCY MATTERS

CHAPTER 11. GENERAL PROVISIONS

PART A. BUSINESS OF COURTS

Rule 1121. Local Rules.

A. **Definition of Local Rule.** For the purpose of this rule, the term, "local rule" shall include every rule, administrative order, regulation, directive, policy, custom, usage, form, or order of general application, however labeled or promulgated, which is adopted or enforced by a court of common pleas to govern juvenile dependency practice and procedure[, which requires a party or party's attorney to do or refrain from doing something].

B. **Vacated Local Rules and Repromulgation.** [All local rules promulgated before the effective date of this rule are hereby vacated on the date this rule becomes effective.]

1) All local rules promulgated before February 1, 2007 were vacated at the time of the adoption of these Rules.

2) Each judicial district may promulgate new local rules that do not conflict with the Rules of Juvenile Court Procedure after submission under paragraph (D).

[C. Local rules shall not be inconsistent with any rule of the Supreme Court or any Act of Assembly.

1) Each judicial district may promulgate new local rules that do not conflict with the Rules of Juvenile Court Procedure.

2) Local rules shall be given numbers that are keyed to the number of the Rules of Juvenile Court Procedure to which the local rules correspond.

D. A local rule shall not become effective and enforceable until the adopting court has fully complied with all the following requirements:

1) A local rule shall be in writing.

2) Seven certified copies of the local rule shall be filed by the court promulgating the rule with the Administrative Office of Pennsylvania Courts.

3) Two certified copies of the local rule shall be distributed by the court promulgating the rule to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

4) One certified copy of the local rule shall be filed by the court promulgating the rule with the Juvenile Court Procedural Rules Committee.

5) The local rules shall be kept continuously available for public inspection and copying in the office of the clerk of courts. Upon request and payment of reasonable costs of reproduction and mailing, the clerk shall furnish to any person a copy of any local rule.

E. A local rule shall become effective not less than thirty days after the date of publication of the rule in the *Pennsylvania Bulletin*.

F. No case shall be dismissed nor request for relief granted or denied because of the failure to comply with a local rule. In any case of noncompliance with a local rule, the court shall alert the party to the specific provision at issue and provide a reasonable time for the attorney to comply with the local rule.

G. The Juvenile Court Procedural Rules Committee may at any time recommend that the Supreme Court suspend, vacate, or require amendment of a local rule and may suspend that local rule pending action by the Court on that recommendation.]

C. **Corresponding numbers.** Local rules shall not be given numbers that are keyed to the number of the Rules of Juvenile Court Procedure to which the local rules correspond.

D. **Submission to Committee.**

1) All proposed local dependency rules and proposed amendments to local dependency rules shall be submitted in writing to the Juvenile Court Procedural Rules Committee for the Committee to review.

2) The adopting court shall not proceed with the proposed local rule or amendments until the adopting court receives written notification from the Committee that the proposed local rule or amendments are not inconsistent with any general rule of the Supreme Court.

E. **Vacating and Suspending Local Rules.**

1) The Juvenile Court Procedural Rules Committee may at any time recommend that the Supreme Court suspend, vacate, or require amendment of a local rule.

2) The Juvenile Court Procedural Rules Committee may suspend that local rule pending action by the Court on that recommendation.

F. Publication of Local Rules. All local rules shall be published in the *Pennsylvania Bulletin* to be effective and enforceable.

1) The adopting court shall not publish the local rule in the *Pennsylvania Bulletin* until it has received the statement from the Committee that the proposed local rule is not inconsistent with any general rule of the Supreme Court.

2) The adopting court shall submit the following items to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*:

- a) two certified copies of the local rule;
- b) a copy of the local rule on a computer diskette, CD-ROM, or electronic copy that complies with the requirements of 1 Pa. Code § 13.11(b)—(f); and
- c) a copy of the written notification, received from the Juvenile Court Procedural Rules Committee, providing that the local rule is not inconsistent with the Pennsylvania Rules of Juvenile Court Procedure.

3) The effective date of the local rule shall not be less than 30 days after the date of publication of the rule in the *Pennsylvania Bulletin*.

G. Filing with AOPC. Contemporaneously with publishing the local rule in the *Pennsylvania Bulletin*, the adopting court shall file one certified copy of the local rule with the Administrative Office of Pennsylvania Courts.

H. Public Inspection.

1) The local rules shall be kept continuously available for public inspection and copying in the office of the clerk of courts.

2) Upon request and payment of reasonable costs of reproduction and mailing, the clerk shall furnish to any person a copy of any local rule.

I. Mandatory Acceptance of Filing.

1) No pleading or other legal paper shall be refused for filing by the clerk of courts based on a requirement of a local rule.

2) No case shall be dismissed nor request for relief granted or denied because of the failure to comply with a local rule.

3) In any case of noncompliance with a local rule, the court shall alert the party to the specific provision at issue and provide a reasonable time for the party to comply with the local rule.

Comment

* * * * *

Paragraph (B) [vacates] vacated all current local rules on February 1, 2007, the original effective date of this rule. The local rules are to be repromulgated to comply with this rule. This includes rekeying pursuant to paragraph (C)[(2)] and meeting the appropriate filing requirements under [paragraph] paragraphs ([D] F) and (G).

To simplify the use of local rules, local juvenile dependency procedural rules are required to be given numbers that are keyed to the number of the general juvenile

dependency procedural rules to which the local rules correspond pursuant to paragraph (C). This requirement is not intended to apply to local rules that govern the general business of the court and which do not correspond to a general juvenile dependency procedural rule.

Paragraph (D), added in 2008, requires that, before publishing the local rule or proceeding with any of the other requirements in paragraphs (F) and (G), the adopting court must submit all proposed local dependency rules or rule amendments to the Juvenile Court Procedural Rules Committee for review.

[The purpose of paragraph (D) is to] The 2008 amendments emphasize that the adopting authority is to comply with all the provisions of [paragraph (D)] this rule before any local rule, or any amendment to local rules, will be effective and enforceable.

Paragraph (F) requires the local rule to be published in the *Pennsylvania Bulletin* to be effective. Pursuant to 1 Pa. Code § 13.11(b)—(f), any documents that are submitted for publication must be accompanied by a diskette or CD-ROM formatted in MS-DOS, ASCII, Microsoft Word, or WordPerfect or in lieu of a diskette or CD-ROM, an electronic copy may be submitted to Legislative Reference Bureau at pabsupreme@palrb.us. The diskette, CD-ROM, or email cover sheet must be labeled with the court's name and address and the local rule's computer file name. In addition, a copy of the written notification, received from the Juvenile Court Procedural Rules Committee, that the local rule is not inconsistent with the Rules of Juvenile Court Procedure is to be submitted.

[Paragraph (D)(5) requires that a separate consolidated set of local rules be maintained in the clerk's office.

The Administrative Office of Pennsylvania Courts maintains a web-page containing the text of local rules. That web-page is located at: <http://www.courts.state.pa.us/judicial-council/local-rules/index.htm>.]

Pursuant to paragraph (F)(2), an electronic copy is a document sent via email to the *Pennsylvania Bulletin*.

Although under paragraph ([E] F)(3) a local rule is not to be effective until at least thirty days after the date of publication in the *Pennsylvania Bulletin*, when a situation arises that requires immediate action, the local court may act by specific orders governing particular cases in the interim before an applicable local rule becomes effective.

The Administrative Office of Pennsylvania Courts maintains a web-page containing the text of local rules. That web-page is located at: <http://www.pacourts.us/T/SpecialCourts/LocalRules.htm>.

Paragraph (H) requires that a separate consolidated set of local rules be maintained in the clerk's office.

The purpose of paragraph ([F] I) is to: 1) require that all documents presented for filing are accepted by the clerk of court, also see Rule 345 (A)(2); and 2) prevent the dismissal of cases, or the granting or denial of requested relief, because a party has failed to comply

with a local rule. In addition, paragraph ([F] I) requires that the party be alerted to the local rule, and be given a reasonable amount of time to comply with the local rule.

After the court has alerted the party to the local rule pursuant to paragraph ([F] I), the court may impose a sanction for subsequent noncompliance either on the attorney or the party if unrepresented, but may not dismiss the case, or grant or deny relief because of non-compliance.

Official Note: Rule 1121 adopted August, 21, 2006, effective February 1, 2007. **Amended December 12, 2008, effective immediately.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1121 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Final Report explaining the amendments to Rule 1121 published with the Court's Order at 38 Pa.B. 7084 (December 27, 2008).

INTRODUCTION

The Supreme Court of Pennsylvania has adopted the proposed changes to Rules 121 and 1121. The changes are effective immediately.

EXPLANATORY REPORT DECEMBER 2008

I. BACKGROUND

Rule of Juvenile Court Procedure 121 was adopted in 2005 and Rule of Juvenile Court Procedure 1121 was adopted in 2007 "to facilitate the statewide practice of law under this Court's general rules, and to promote the further policy that a general rule of juvenile court procedure normally preempts the subject covered." The Juvenile Rules were modeled after Pa.R.Crim.P. 105 and Pa.R.C.P. 239, which were adopted in 1983. To provide consistency among the Court's rules, these amendments mirror the new language and intent of the Pa.R.Crim.P. 105 adopted January 25, 2008.

The amended rules provide a uniform definition of local rules, prerequisites to effectiveness and effective dates, procedures for accessibility and distribution, and for the suspension of inconsistent local rules.

When Pa.Rs.J.C.P. 121 and 1121 were adopted, all local rules were vacated. Each judicial district could promulgate new local rules that did not conflict with the Rules of Juvenile Court Procedure and each judicial district may continue to promulgate new consistent local rules.

Because judicial districts have continued to enact local rules that fail to comply with the provisions of Rule 121 or 1121, these amendments make the requirements for local rules absolutely clear. Judicial districts that continue to enact local rules by calling them something other than a local rule, even though the practices and procedures are local rules within the definitions of Rule 121 or 1121, will be prohibited from enacting those local rules until Rule 121 or 1121 have been followed. In addition, local rules will be published and made available to the members of the Bar.

Because of this non-compliance by some judicial districts and the need to provide uniform procedure, the Committee agreed that the only recourse to ensure compliance was to require that local rule amendments be submitted in writing to the Committee for review before a judicial district may enact or amend a local rule. The local rule will not be effective and enforceable unless the

local adopting court receives a written notification from the Committee that the local rule is consistent with the Rules of Juvenile Court Procedure. This requirement and some additional clarifying amendments are discussed below.

II. DISCUSSION

The amended rule, which requires that all new local rules and local rule amendments must be submitted to the Committee for the Committee's review before the local rule may be published and before the rule or amendments will be effective and enforceable, is set forth in amended paragraph (D). Pursuant to this new amendment, the adopting court is required to submit in writing any proposal that governs juvenile court practice and procedure to the Committee for the Committee's review. This pre-adoption review is narrow in scope. The Committee will merely determine whether the proposed local rule provisions comply with the requirements of Rule 121 or 1121. Specifically, the Committee will be considering whether the local rule change is consistent with the general rules of the Supreme Court as required in Rule 121(E) or 1121(E). The Committee will not be passing judgment on the wisdom of the local rule or the substantive validity of the provisions of the local rule or on the merits of the local rule.

Following this review, the Committee will communicate in writing with the adopting court. The adopting court will be prohibited from proceeding with the local rule proposal until receiving written notification from the Committee that the proposed local rule satisfies the requirements of Rule 121 or 1121 and is consistent with the statewide rules. In addition, paragraph (F)(2)(c) will require the adopting court to send a copy of the written statement received from the Committee to the Legislative Reference Bureau when publishing a new local rule.

Rules 121 and 1121 also have been reorganized to emphasize more clearly the essential requirements of the rule. Paragraph (A), which sets forth the "definition" of local rule, remains mostly the same. The term "administrative order" has been added to the list of things in this paragraph that are considered "local rules." In our experience, many local enactments labeled "administrative orders" are in fact "local rules" that should comply with Rule 121 or 1121 requirements. The Committee agreed that "administrative order" should be added to paragraph (A) because some judicial districts continue to ignore the clear mandate of Rule 121 or 1121. For example, they are designating various directives as "administrative orders" that actually govern practice and procedure in juvenile court cases or they are failing to publish or provide copies of these administrative orders to the Committee. As has been intended since the inception of Rule 121 or 1121, only administrative orders that govern juvenile court practice and procedure in some way would be subject to Rule 121 or 1121. This change is not intended to affect administrative orders that govern other aspects of court operations, such as administrative orders that establish local court calendars.

In addition, the phrase "which requires a party or party's attorney to do or refrain from doing something" has been removed from paragraph (A). These same non-compliant judicial districts fail to send in a local rule rationalizing that it is not a local rule because it does not meet the definition of "a party or party's attorney doing or refraining from doing something."

Paragraph (B) has been reworded to show that all local rules promulgated before October 1, 2005 were vacated at

the time of adoption of these Rules and moved to paragraph (B)(1). Old paragraph (C)(1) was moved to new paragraph (B)(2), which provides that each judicial district may adopt new local rules that are not in conflict with the Rules of Juvenile Court Procedure.

Old paragraph (C)(2) is now paragraph (C), which requires that local rules be given numbers keyed to the statewide rules to add emphasis to this requirement.

Old paragraph (G) will be retained as new paragraph (E)(1) and (2). The requirements are now separated to emphasize that the Committee may recommend the suspension, vacation, and amendment of local rules that do not comply with Rule 121 or 1121 to the Supreme Court. Pending that action, the Committee may suspend a local rule.

New paragraph (F) sets forth the provisions related to publishing proposed local rules in the *Pennsylvania Bulletin*, making it clear that to be effective and enforceable, the local rule must be published, but not until the Committee has provided written notification that the local rule is not inconsistent as required by new paragraph (D). In addition, old paragraph (D)(3) that explains what must be sent to the *Pennsylvania Bulletin* is now new paragraph (F)(2). Old paragraph (E) that requires the effective date of new local rules and amended local rules be not less than 30 days after publishing in the *Pennsylvania Bulletin* is now new paragraph (F)(3).

New paragraph (G) is taken from old paragraph (D)(2); however, new paragraph (G) requires that, contemporaneously with publishing in the *Pennsylvania Bulletin*, the adopting court must file one copy of the local rule with the AOPC. Old paragraph (D)(2) required that seven copies be sent to the AOPC.

Because new paragraph (D) requires that the adopting court submit a written copy of the proposed local rule to the Committee for prior approval, old paragraphs (D)(1) and (D)(4) will no longer be necessary.

Old paragraph (D)(5) has been moved to new paragraph (H).

New paragraph (I) incorporates old paragraph (F), and includes as a first sentence the requirement that the clerk of courts accept all pleadings and other legal papers for filing even if the document does not satisfy the requirements of a local rule.

This new recommendation is comparable to Pa.R.C.P. 205.2, Pa.Rs.Crim.P. 105 and 576(A), and complies with the requirements in Pa.R.J.C.P. 345(A).

[Pa.B. Doc. No. 08-2339. Filed for public inspection December 26, 2008, 9:00 a.m.]

Title 255—LOCAL COURT RULES

MONTGOMERY COUNTY

Adoption of Rule of Criminal Procedure 202*— Approval of Search Warrant Applications by Attorney for the Commonwealth; No. 2253-08

Order

And Now, this 9th day of December, 2008, the Court approves and adopts the attached Montgomery County

Local Rule of Criminal Procedure 202*—Approval of Search Warrant Applications by Attorney for the Commonwealth. This Rule shall become effective thirty days after publication in the *Pennsylvania Bulletin*.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in the *Legal Intelligencer*. In further conformity with Pa.R.Crim.P. 105, seven (7) certified copies of the within Order shall be filed by the Court Administrator with the Administrative Office of Pennsylvania Courts. Two (2) certified copies and a computer diskette complying with 1 Pa. Code § 13.11(b) shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) copy shall be filed with the Prothonotary, one (1) copy with the Clerk of Courts, and one (1) copy with the Law Library of Montgomery County and one (1) copy with each Judge of this Court.

By the Court

RICHARD J. HODGSON,
President Judge

Rule 202*. Approval of Search Warrant Applications by Attorney for the Commonwealth.

The District Attorney of Montgomery County having filed a certification pursuant to Pennsylvania Rule of Criminal Procedure 202, search warrants in the following circumstances:

- 1) Criminal homicide in violation of 18 Pa.C.S.A. § 2501;
- 2) Murder in any degree in violation of 18 Pa.C.S.A. § 2502;
- 3) Voluntary manslaughter in violation of 18 Pa.C.S.A. § 2503;
- 4) Involuntary manslaughter in violation of 18 Pa.C.S.A. § 2504;
- 5) Causing or aiding suicide in violation of 18 Pa.C.S.A. § 2502;
- 6) Drug delivery resulting in death in violation of 18 Pa.C.S.A. § 2506;
- 7) Criminal homicide of unborn child in violation of 18 Pa.C.S.A. § 2603;
- 8) Murder of unborn child in violation of 18 Pa.C.S.A. § 2604;
- 9) Voluntary manslaughter of unborn child in violation of 18 Pa.C.S.A. § 2605;
- 10) Homicide by vehicle in violation of 18 Pa.C.S.A. § 3732; and
- 11) Homicide by vehicle while driving under the influence in violation of 18 Pa.C.S.A. § 3735.
- 12) Rape in violation of 18 Pa.C.S.A. § 3121;
- 13) Involuntary Deviate Sexual Intercourse in violation of 18 Pa.C.S.A. § 3123;
- 14) Sexual Assault in violation of 18 Pa.C.S.A. § 3124.1;
- 15) Institutional Sexual Assault in violation of 18 Pa.C.S.A. § 3124.2;
- 16) Aggravated Indecent Assault in violation of 18 Pa.C.S.A. § 3125;
- 17) Indecent Assault in violation of 18 Pa.C.S.A. § 3126 when the victim is less than 16 years of age;
- 18) Incest in violation of 18 Pa.C.S.A. § 4302;

19) Sexual Abuse of Children in violation of 18 Pa.C.S.A. § 6312;

20) Unlawful Contact with a Minor in violation of 18 Pa.C.S.A. § 6318; and

21) Attempt, Conspiracy or Solicitation to Commit any of the Above Offenses.

shall not hereafter be issued by any judicial officer unless the search warrant application has the approval of an attorney for the Commonwealth prior to filing.

[Pa.B. Doc. No. 08-2340. Filed for public inspection December 26, 2008, 9:00 a.m.]

MONTGOMERY COUNTY

**Amendment to Rule of Criminal Procedure 507*—
Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth; No. 2254-08**

Order

And Now, this 9th day of December, 2008, the Court approves and adopts the attached amendment to Montgomery County Local Rule of Criminal Procedure 507*—Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth. This amended Rule shall become effective thirty days after publication in the *Pennsylvania Bulletin*.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in the *Legal Intelligencer*. In further conformity with Pa.R.Crim.P. 105, seven (7) certified copies of the within Order shall be filed by the Court Administrator with the Administrative Office of Pennsylvania Courts. Two (2) certified copies and a computer diskette complying with 1 Pa. Code § 13.11(b) shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) copy shall be filed with the Prothonotary, one (1) copy with the Clerk of Courts, and one (1) copy with the Law Library of Montgomery County and one (1) copy with each Judge of this Court.

By the Court

RICHARD J. HODGSON,
President Judge

Rule 507*. Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth.

The District Attorney of Montgomery County, having filed a certification pursuant to Pennsylvania Rule of Criminal Procedure 507 (B), criminal complaints and arrest warrant affidavits by police officers, as defined in the Rules of Criminal Procedure, charging [**criminal homicide offenses (including homicide by vehicle)**]:

1) Criminal homicide in violation of 18 Pa.C.S.A. § 2501;

2) Murder in any degree in violation of 18 Pa.C.S.A. § 2502;

3) Voluntary manslaughter in violation of 18 Pa.C.S.A. § 2503;

4) Involuntary manslaughter in violation of 18 Pa.C.S.A. § 2504;

5) Causing or aiding suicide in violation of 18 Pa.C.S.A. § 2502;

6) Drug delivery resulting in death in violation of 18 Pa.C.S.A. § 2506;

7) Criminal homicide of unborn child in violation of 18 Pa.C.S.A. § 2603;

8) Murder of unborn child in violation of 18 Pa.C.S.A. § 2604;

9) Voluntary manslaughter of unborn child in violation of 18 Pa.C.S.A. § 2605;

10) Homicide by vehicle in violation of 18 Pa.C.S.A. § 3732; and

11) Homicide by vehicle while driving under the influence in violation of 18 Pa.C.S.A. § 3735.

12) Rape in violation of 18 Pa.C.S.A. § 3121;

13) Involuntary Deviate Sexual Intercourse in violation of 18 Pa.C.S.A. § 3123;

14) Sexual Assault in violation of 18 Pa.C.S.A. § 3124.1;

15) Institutional Sexual Assault in violation of 18 Pa.C.S.A. § 3124.2;

16) Aggravated Indecent Assault in violation of 18 Pa.C.S.A. § 3125;

17) Indecent Assault in violation of 18 Pa.C.S.A. § 3126 when the victim is less than 16 years of age;

18) Incest in violation of 18 Pa.C.S.A. § 4302;

19) Sexual Abuse of Children in violation of 18 Pa.C.S.A. § 6312;

20) Unlawful Contact with a Minor in violation of 18 Pa.C.S.A. § 6318; and

21) Attempt, Conspiracy or Solicitation to Commit any of the Above Offenses.

shall not hereafter be accepted by any judicial officer unless the complaint and affidavit has the approval of an attorney for the Commonwealth prior to filing.

[Pa.B. Doc. No. 08-2341. Filed for public inspection December 26, 2008, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that Harry Elwood Franks, Jr., having been disbarred from the practice law in the State of New Jersey by Order of the Supreme Court of New Jersey dated February 5, 2008, the Supreme Court of Pennsylvania disbarred Harry Elwood Franks, Jr., from the practice of law in this Commonwealth by Order dated December 10, 2008, effective January 9, 2009. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 08-2342. Filed for public inspection December 26, 2008, 9:00 a.m.]

Notice of Disbarment

Notice is hereby given that I. Lewis Libby having been disbarred from the practice law in the District of Columbia by Opinion and Order of the District of Columbia Court of Appeals dated March 20, 2008, the Supreme Court of Pennsylvania disbarred I. Lewis Libby from the practice of law in this Commonwealth by Order dated December 10, 2008, effective January 9, 2009. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 08-2343. Filed for public inspection December 26, 2008. 9:00 a.m.]

Notice of Transfer of Attorneys to Inactive Status

Notice is hereby given that the following attorneys have been transferred to inactive status by Order of the Supreme Court of Pennsylvania dated November 12, 2008, under Rule 111(b) Pa.R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which he or she is assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective December 12, 2008, for Compliance Group 1 due April 30, 2008.

Notice with respect to attorneys having Pennsylvania registration addresses, which have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

Avedissian, David A.
 Haddonfield, NJ

Barnes, Eliana Mariella
 Greensboro, NC

Battista, Bryan Joseph
 Barrington, NJ

Becker, Michael D.
 Royal Oak, MI

Berg, Freddie Jay
 New York, NY

Bigler, Benjamin Alan
 San Francisco, CA

Blevins, Mark A.
 Wheeling, WV

Brooks, Barnett Q.
 Tampa, FL

Brown, David Earl
 Alexandria, VA

Brown, Robert Amin
 Atlanta, GA

Browne, Gloria J.
 New York, NY

Bullion, Andrew Baker
 Washington, DC

Butler, Earl Don
 Vestal, NY

Cinti, John M.
 Mount Laurel, NJ

Colombo, Diana
 Bridgeport, WV

Coniglio, Kristy Kathleen
 White Plains, NY

Davis, Lisa A.
 Waxhaw, NC

Delisi, Andrea
 Washington, DC

Dhanjal, Manpreet Singh
 Wheaton, MD

Dibble, Jaime Sue
 Washington, DC

Erickson, Jeffrey A.
 Arlington, VA

Fornaro, Richard David
 Hamilton, NJ

Foy, Mary Theresa
 Newark, NJ

Gallagher, Molly A.
 San Francisco, CA

Gatto, Caterina
 Wilmington, DE

Gordon, Timothy Shawn
 Hagerstown, MD

Gross, Daniel Stephan
 Ann Arbor, MI

Gruszecki, Cara E.
 Shelbyville, TN

Hal, Katrina Michelle
 Winterville, NC

Hall, Thomas
 Belmar, NJ

Hanna, Christina Marie
 Washington, DC

Herdelin, Thomas McGlade
 Audubon, NJ

Higbee, Debra Rebecca
 Atlantic City, NJ

Hosid, Laura Rosenberg
 Bethesda, MD

Hudson, Richard Seth
 Perrysburg, OH

Ibe, Peter C.
 Washington, DC

Impellizzeri, Julius S.
 Santa Fe, NM

James, Herbert L.
 Sicklerville, NJ

Jarvis, Lori Elliott
 Richmond, VA

Jensen, Jennifer Leonora
 Wilmington, DE

Karanzalis, Amanda Nicole
 Alexandria, VA

Klayman, Larry Elliot
Miami, FL

Martin, Rachel A.
Morgantown, WV

McCafferty, Cara Ann
Cherry Hill, NJ

Mecleary Jr., George Howard
Long Neck, DE

Milner III, C. George
New York, NY

Mitchell, Charles L.
New York, NY

Nieschmidt, Michael Henry
Hightstown, NJ

Perkins, Robert Joseph
Brookline, MA

Perrucci, Michael J.
Phillipsburg, NJ

Petrow, Joel Robert
Germantown, TN

Picker, Cheryl Haft
Warren, NJ

Pochoday, Donna T.
Morristown, NJ

Powell, Wayne
Cherry Hill, NJ

Proner, Mitchell Laurence
New York, NY

Raskin, Mona R.
Linwood, NJ

Segure, Dorian V.
Addisleigh Park, NY

Sheldon, Steven James
Florham Park, NJ

Smith, Andreas Vesalius
Takoma Park, MD

Smith, Brian Matthew
Colorado Springs, CO

Smith, Mark John
Ellicott City, MD

Tedeman, Maria Constantina
Dover, DE

Uwah, Eduok Efiog
Middletown, DE

Voorhees, Gregory Xander
Medford, NJ

White, Simone
Brooklyn, NY

Yates, Leslie McKnight
Washington, DC

Zis, Peter J.
Richton Park, IL

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

[Pa.B. Doc. No. 08-2344. Filed for public inspection December 26, 2008, 9:00 a.m.]

STATEMENTS OF POLICY

Title 107—HOUSE OF REPRESENTATIVES OF PENNSYLVANIA

PENNSYLVANIA HOUSE OF REPRESENTATIVES [107 PA. CODE CH. 201]

Right-to-Know Law—Statement of Policy

The Pennsylvania House of Representatives, under section 504(a) of the Right-to-Know Law (65 P. S. § 67.504(a)) proposes to add 107 Pa. Code Chapter 201 as set forth in Annex A.

Public Comments. Interested parties are invited to submit written comments, objections or suggestions about the statement of policy to the Chief Clerk of the House of Representatives, 129 Main Capitol Building, Harrisburg, PA 17120 within 30 days after the publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by email or facsimile will not be accepted.

ROGER NICK,
Chief Clerk

House of Representatives

(Editor's Note: Title 107 of the Pa. Code is amended by adding §§ 201.1, 201.11—201.15 and 201.21—201.23 to read as set forth in Annex A.)

Annex A

TITLE 107. HOUSE OF REPRESENTATIVES OF PENNSYLVANIA

CHAPTER 201. RIGHT-TO-KNOW LAW—STATEMENT OF POLICY

Subch.

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

Subchapter A. PRELIMINARY PROVISIONS

Sec.

- 201.1. Definitions.

§ 201.1. Definitions.

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

Appeals examiner—A person designated by the Appeals Officer to act on his behalf for appeals from determinations of the open-records officer.

Appeals Officer—The Parliamentarian, 133 Main Capitol Building, Harrisburg, PA 17120, under section 503(c)(2)(i) of the law (65 P. S. § 67.503(c)(2)(i)), for appeals from determinations of the open-records officer.

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

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

- (1) Each request is for the same House record.
- (2) The number greatly exceeds the average daily volume of requests and burdens the normal operations of the Office of the Chief Clerk.

(3) The requests are substantially identical in format and language.

(4) The open-records officer is able to trace the requests to a common source.

Office of Open Records—The office established in the Department of Community and Economic Development under section 1310 of the law (65 P. S. § 1310).

Open-records officer—The Chief Clerk of the House of Representatives, 129 Main Capitol Building, Harrisburg, PA 17120, responsible for access to the information of the Pennsylvania House of Representatives under section 502(a)(2) of the law (65 P. S. § 67.502).

Requester—A person that makes a request for information from the Pennsylvania House of Representatives under the law.

Subchapter B. OPEN RECORDS PROCEDURES OF THE HOUSE OF REPRESENTATIVES

Sec.

- 201.11. Hours of access.
- 201.12. Contact information.
- 201.13. Request format.
- 201.14. Mass requests.
- 201.15. Fee schedule.

§ 201.11. Hours of access.

The Right-to-Know Office of the House of Representatives will be open from 9 a.m. to 4 p.m. Monday through Friday except for official State and Federal holidays and other days the office is closed by direction of the Chief Clerk of the House of Representatives.

§ 201.12. Contact information.

Right-to-Know requests must be sent to:

Brooke Lewis
Right-to-Know Administrator
B-29 Main Capitol
P. O. Box 202220
Harrisburg, PA 17120-3052
Phone: (717) 787-2372
Fax: (717) 787-4990
E-mail: blewis@pabmc.net

§ 201.13. 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 Chief Clerk.
- (2) In a manner so that material requested describes records requested with specificity.

§ 201.14. Mass requests.

If the open-records officer determines that a mass request places an unreasonable burden on the House of Representatives, 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 open-records office.

(2) If the mass request is in electronic format, each requester will be informed of the action under paragraph (1).

§ 201.15. 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 \$1 per document, regardless of the number of pages. Each document to be certified requires separate certification and fee.

(4) The fee for redaction of a document is \$1 per page.

(b) *Payment.*

(1) 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 is estimated to exceed \$100, payment may be required prior to the initiation of providing the document. If prepayment is required, a check, certified check or money order shall be made payable to the "House of Representatives" in the total amount of the fee.

Subchapter C. APPELLATE PROCEDURE

Sec.

201.21. Administrative Agency Law.

201.22. Appeals examiner.

201.23. Parties.

§ 201.21. 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 practice and procedure).

(c) *Exceptions.*

(1) Testimony will be recorded. 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.

§ 201.22. Appeals examiner.

Under section 503(c)(2)(i) of the law (65 P. S. § 67.503(c)(2)(i)), the following apply:

(1) Except as set forth in paragraph (2), the Appeals Officer may provide appeals examiners for all appeals to make final recommendations for adoption by the Appeals Officer.

(2) For an appeal from a denial by the open-records officer of a record in the custody of the Appeals Officer, the House will provide an Appeals Officer pursuant to the provisions of 101 Pa. Code Chapter 31 (relating to Right-to-Know Law).

§ 201.23. 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 deemed 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 appeals officer. 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 appeals officer 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 or any factual disputes.

(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 may be held on an appeal only as follows:

(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 or appeals examiner determines that there is good cause for a hearing.

(2) Under section 1102(b) 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.

(2) *Procedural history.*

(i) 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.* This 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. 08-2345. Filed for public inspection December 26, 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 December 16, 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 regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

BANKING INSTITUTIONS

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-12-2008	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	155 Towne Center Drive Wexford Allegheny County	Filed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

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

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 08-2346. Filed for public inspection December 26, 2008, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Execution of Oil and Gas Lease for State Forest Lands

Effective July 25, 2008, a replacement Oil and Gas Lease for State Forest Lands, Contract No. M-110994-10 was executed by and between the Commonwealth, acting through the Department of Conservation and Natural Resources (lessor) and NCL Appalachian Partners, LP (lessee), with its principal place of business located at 25231 Grogan's Mill Road, Suite 500, The Woodlands, TX 77380.

The lease is for Tract 994, located in Beech Creek Township, Clinton County, within the Sproul State Forest. The lease was issued to the lessee where there was a 75 year reservation of the oil and gas rights on the deed to the land, which reservation expired on July 25, 2008. The lessee had an existing lease in place with the heirs to the oil and gas rights, which lease was replaced with the one identified herein. The lease was recorded at the Clinton County courthouse on November 17, 2008, page No. 2008-06040. Contract No. M-110994-10 may be viewed online at contracts.pat treasury.org/View.aspx?ContractID=8113.

Questions regarding this lease should be directed to the Bureau of Forestry, Minerals Section, at (717) 787-2703.

MICHAEL DIBERARDINIS,
Secretary

[Pa.B. Doc. No. 08-2347. Filed for public inspection December 26, 2008, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

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

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0053872 (Sewage)	Red Hill Water Authority P. O. Box 26 Red Hill, PA 18076	Lehigh County Upper Milford Township	UNT to Perkiomen Creek 03E	Y
PA-0029432 (Minor Sewage)	Department of Public Welfare Clarks Summit State Hospital 1451 Hillside Drive Clarks Summit, PA 18411	Newton Township Lackawanna County	Falls Creek 04G	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 & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0085928 (IW)	Eldorado Properties Corporation— Highspire Bulk Petroleum Storage Terminal 900 Eisenhower Boulevard Harrisburg, PA 17105	Dauphin County Lower Swatara Township	UNT Laurel Run 7C	Y
PA0083933 (Sew)	Georgetown Area Sewer Authority 46 Quarry Road Quarryville, PA 17566	Lancaster County Bart Township	Nickel Mines Run 7-K	Y
PA0082805 (Sew)	Robert Droege 2524 Ironville Pike Columbia, PA 17512	Lancaster County West Hempfield Township	Shawnee Run 7-G	Y
PA0085090 (IW)	Berks Products Corporation P. O. Box 9000 Wyomissing, PA 19610	Berks County Muhlenberg Township	Bernhart Creek 3-C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0004766	Ellwood National Forge Company 1 Front Street Irvine, PA 16329	Brokenstraw Township Warren County	Brokenstraw Creek 16-B	Y
PA0100650	Forrest Brooke MHC, LLC Continental Communities Suite 450 2021 Spring Road Oak Brook, IL 60523	Lackawannock Township Mercer County	UNT to Magargee Run 20-A	Y

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

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

PA0056804, Industrial Waste, SIC 4941, Forest Park Water (North Penn and North Wales Water Authorities), 144 Park Avenue, P. O. Box 317, Chalfont, PA 18914-0317. This proposed facility is located in Chalfont Borough, **Bucks County**.

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

The receiving stream, Pine Run, is in the State Water Plan Watershed 2F-Neshaminy and is classified for: TSF, MF. The nearest downstream public water supply intake for Aqua PA is located on Neshaminy Creek.

The proposed effluent limits for Outfalls 001 and 002 are based on a design flow of 1.3 mgd.

Parameters	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum (mg/l)
Total Suspended Solids			30	60	75
Total Residual Chlorine			0.18		0.42
pH	Within limits of 6.0 to 9.0 Standard Units at all times				
Aluminum, total			1.0	2.0	2.5
Iron, total			2.0	4.0	5.0
Manganese, total			1.0	2.0	2.5
Phosphorus as P			2.0	4.0	5.0
Chloroform			Report	Report	Report
Dichlorobromomethane			Report	Report	Report
Chlorodibromomethane			Report	Report	Report

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

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

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

Application No. PA 0246719, CAFO, **Pleasant View Farms, Inc.**, R. D. 1, Box 124, Martinsburg, PA 16662.

Pleasant View Farms, Inc. has submitted an application to renew the existing Individual NPDES permit for an existing CAFO known as the Pleasant View Farm, located in North Woodbury Township, **Blair County**.

The CAFO is situated near Plum and Halter Creeks, which are classified as a WWF. The CAFO includes three sites designed to maintain an animal population of approximately 2,938 animal equivalent units consisting of 70 steers, 1,665 mature dairy cows, 850 dairy heifers and 350 dairy calves. Manure is stored in three earthen manure storage impoundments and two concrete manure storage structures with a total combined capacity of approximately 7.5 million gallons. Manure produced at the operation is agriculturally applied to land under the control of Pleasant View Farms in accordance with an approved Nutrient Management Plan. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

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

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

Persons wishing to comment on the proposed permit are invited to submit written comments to the previous address within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in formulating the Department's final determination regarding the application. Following the 30-day comment period, the Watershed Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time the determination may be appealed to the Environmental Hearing Board.

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

Application No. PA 0084212, Sewage, **Leacock Township Sewer Authority**, P. O. Box 558, Intercourse, PA 17534. This facility is located in Leacock Township, **Lancaster County**.

Description of activity: The application is for issuance of an NPDES permit for a new discharge of treated sewage.

The receiving stream, Muddy Run, is in Watershed 7-J, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Holtwood Dam Power Plant is located on the Susquehanna River, approximately 41 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.45 mgd are:

Parameter	Average		Instantaneous Maximum (mg/l)
	Monthly (mg/l)	Weekly (mg/l)	
CBOD ₅	20	30	40
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	2.5		5.0
(11-1 to 4-30)	7.5		15
Total Residual Chlorine	0.1		0.34
Total Phosphorus	2.0		4.0
Dissolved Oxygen	Minimum of 5.0 at all times		
pH	From 6.0 to 9.0 inclusive		
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a Geometric Average		
(10-1 to 4-30)	2,000/100 ml as a Geometric Average		

Chesapeake Bay Requirements

	Concentration (mg/l)		Mass (lbs)	
	Monthly Average	Monthly	Monthly	Annual
Ammonia-N	Report	Report	Report	Report
Kjeldahl-N	Report	Report	Report	XXX
Nitrate-Nitrite as N	Report	Report	Report	XXX
Total Nitrogen	Report	Report	Report	Report
Total Phosphorus	Report	Report	Report	Report
Net Total Nitrogen	XXX	Report	Report	7,306*
Net Total Phosphorus	XXX	Report	Report	974*

* The permit contains conditions which authorize the permittee to apply nutrient reduction credits, to meet the Net Total Nitrogen and Net Total Phosphorus effluent limits, under the Department of Environmental Protection's (Department) Trading of Nutrient and Sediment Reduction Credits Policy and Guidelines (392-0900-001, December 30, 2006). The conditions include the requirement to report application of these credits in Supplemental Discharge Monitoring Reports submitted to the Department.

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

The EPA waiver is not in effect.

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

PA0233749, Sewerage, 152 Mchaffey Hollow Road Extension, Linden, PA 17744. This proposed facility is located in Woodward Township, **Lycoming County**.

Description of Proposed Activity: An NPDES permit application has been submitted requesting authorization to discharge from a small flow treatment facility serving the Freezer residence.

The receiving stream, a UNT to Quenshukeny Run, is in the State Water Plan Watershed 10A and is classified for: WWF. The nearest downstream public water supply intake is near Milton is located on is on the West Branch of the Susquehanna River approximately 36 miles below the point of discharge.

The effluent limits for Outfall 001 are based on a design flow of 0.0004 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
CBOD ₅			10		20
TSS			20		40
Fecal Coliforms			200 colonies/100 ml		
pH			Within the range of 6.0 to 9.0		
Flow			Monitor and Report		
Total Chlorine Residual (Cl ₂)			Report		

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

PA0001627-A1, Industrial Waste, SIC 4911, **Orion Power Midwest, LP**, 121 Champion Way, Suite 200, Canonsburg, PA 15317.

The Department of Environmental Protection (Department) is amending the NPDES permit in response to a settlement agreement (Consent Order and Adjudication) entered into by the Department and Orion Power Midwest, LP. The Consent Order and Adjudication resolves the appeal of the NPDES permit. As part of the agreement the effluent limitations for Internal Outfall 503 and Outfalls 002, 003 and 005 are being amended as well as a number of Special Conditions. All other effluent limitations and conditions of the permit as issued on August 9, 2007, remain in effect.

The following effluent limitations are proposed for discharge to the receiving waters of Allegheny River (Internal Outfall 503 and Outfalls 003) and Little Deer Creek (Outfalls 002 and 005) 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 Oakmont Borough Municipal Authority located 2.4 miles below the discharge point.

Outfall 002: interim limits, existing discharge, maximum flow of 12.375 mgd, Monarch Mine Dewatering Treatment Plant.

<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			35	70	
Total Residual Chlorine	Monitor and Report				
Aluminum			1.2	2.4	
Iron, total			2.6	5.2	
Manganese			0.87	1.74	
Beryllium			0.01	0.02	
Cadmium			0.003	0.006	
Hexavalent Chromium			0.006	0.012	
Silver			0.02	0.04	
Thallium			0.018	0.036	
Copper			0.033	0.066	
Pentachlorophenol			0.004	0.008	
Selenium			Monitor and Report		
Cyanide, free			Monitor and Report		
Osmotic Pressure (MOs/kg)			Monitor and Report		
pH (Standard Units)	not less than 6.0 nor greater than 9.0				

Outfall 002: final limits, existing discharge, maximum flow of 12.375 mgd, Monarch Mine Dewatering Treatment Plant.

<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			35	70	
Total Residual Chlorine	Monitor and Report				
Aluminum			0.48	0.96	
Iron, total			1.5	3.0	
Manganese			0.87	1.74	
Beryllium			0.01	0.02	
Cadmium			0.0003	0.0006	
Hexavalent Chromium			0.006	0.012	
Silver			0.003	0.006	
Thallium			0.002	0.004	
Copper			0.009	0.018	
Pentachlorophenol			0.0003	0.0006	
Selenium			0.005	0.01	
Cyanide, free			Monitor and Report		
Osmotic Pressure (MOs/kg)			50	100	
pH (Standard Units)	not less than 6.0 nor greater than 9.0				

Internal Outfall 503: new discharge, design flow of 0.144 mgd, FGD Scrubber Blowdown Treatment Plant.

<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			10	20	
Oil and Grease			15	20	
Aluminum			Monitor and Report		
Arsenic			Monitor and Report		
Beryllium			0.8	1.6	

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Boron			Monitor and Report		
Cadmium			Monitor and Report		
Chlorides			Monitor and Report		
Chromium III			Monitor and Report		
Copper			0.1	0.2	
Lead			0.1	0.2	
Manganese			Monitor and Report		
Mercury			0.004	0.008	
Nickel			Monitor and Report		
Selenium, total			Monitor and Report		
Selenium, dissolved			Monitor and Report		
Silver			0.1	0.2	
Zinc			Monitor and Report		
Iron			Monitor and Report		
Total Dissolved Solids			Monitor and Report		
Iron, dissolved			Monitor and Report		
pH (Standard Units)	not less than 6.0 nor greater than 9.0				

Outfall 003: existing discharge, maximum flow of 369 mgd, IMPs 103 and 803 and untreated once-through noncontact cooling water.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Total Residual Chlorine					0.2
Temperature (° F)			Monitor and Report		
Heat	Heat discharged to the waterway shall not exceed 2.96 by 10 ⁹ Btu/hr				
Lead			Monitor and Report		
Mercury			Monitor and Report		
Selenium			Monitor and Report		
Silver			Monitor and Report		
pH (Standard Units)	not less than 6.0 nor greater than 9.0				

Outfall 005: existing stormwater discharge, varied flow.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Suspended Solids			Monitor and Report		
pH	Monitor and Report				

Other Conditions

The permittee is required to conduct a TRE for Outfall 002.

The permittee is required to submit a thermal discharge study plan within 90 days of permit amendment issuance. Language in Part C Conditions C.14, C.19 and C.20 is changed.

The permittee is required by Condition C.24 to conduct influent sampling to the FGD Scrubber Blowdown Treatment Plant for TSS, TDS, total and dissolved selenium, and pH.

The permittee is required by Condition C.25 to conduct sampling of the Allegheny River intake water for silver.

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

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

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

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

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.
Lackawanna County Conservation District: 1300 Old Plank Road, Mayfield, PA 18433, (570) 281-9495.*

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI023508005	PA American Water Co. Attn: Anthony Nokovich 852 Wesley Drive Mechanicsburg, PA 17055	Lackawanna	Spring Brook Township	Spring Brook HQ-CWF

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

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

PUBLIC WATER SUPPLY (PWS) PERMIT

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

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (Department) of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

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

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

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

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Permit No. 0608516, Public Water Supply.

Applicant	Superior Water Company, Inc.
Municipality	Washington Township
County	Berks

Responsible Official	Robert A. Braglio, Manager 2960 Skippack Pike P. O. Box 127 Worcester, PA 19490
Type of Facility	Public Water Supply
Consulting Engineer	Steven E. Riley, P. E. Entech Engineering, Inc. P. O. Box 32 Reading, PA 19603
Application Received Date	November 17, 2008
Description of Action	Addition of caustic soda for pH adjustment.

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

Permit No. 3008503, Public Water Supply.

Applicant	Carmichaels Municipal Authority 104 North Pine Street Carmichaels, PA 15320
Township or Borough	Carmichaels
Responsible Official	Daniel Bailey President Carmichaels Municipal Authority 104 North Pine Street Carmichaels, PA 15320
Type of Facility	Water treatment plant
Consulting Engineer	Fayette Engineering Company, Inc. 2200 University Drive P. O. Box 1030 Uniontown, PA 15401-1030
Application Received Date	December 11, 2008
Description of Action	Replace the soda ash chemical feed system with a caustic soda feed system.

MINOR AMENDMENT

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

Application No. 5289408MA, Minor Amendment, Public Water Supply.

Applicant	Pennsylvania Utilities Inc. Lehman Township
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Responsible Official	Jan Springman Pennsylvania Utilities, Inc. 234 The Glen Tamiment, PA 18371
Type of Facility	PWS
Consulting Engineer	Charles H. Niclaus, P. E. Niclaus Engineering Corporation 804 Sarah Street Stroudsburg, PA 18360
Application Received Date	10/31/08
Description of Action	The application proposes corrosion control improvements for this PWS system.
Application No. 4806504MA, Minor Amendment, Public Water Supply.	
Applicant	Easton Suburban Water City of Easton
Responsible Official	Roy White Easton Suburban Water Authority 3700 Hartley Avenue Easton, PA 18045
Type of Facility	PWS
Consulting Engineer	Laurence S. Zimmermann, P. E. Gannett Fleming, Inc. P. O. Box 67100 Harrisburg, PA 17106
Application Received Date	December 5, 2008
Description of Action	The application proposes construction of improvements to allow recycle of process wastewater to the head of the Easton WTP (river intake flume).

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demon-

strates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

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

Cramp Shipyard Property, City of Philadelphia, **Philadelphia County**. Gary Brown, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of James Anderson, Dyott Corp./Columbus Boulevard Assoc./Beach Street Corp., 6958 Torresdale Avenue, Suite 200, Philadelphia, PA 19135 has submitted a Notice of Intent to Remediate. Groundwater and soil at the site has been impacted with the release of inorganic. The future use of the site is undetermined, but may include mixed uses. A summary of the Notice of Intent to Remediate was reported to have been published in *The Philadelphia Daily News* on November 3, 2008.

Vassiliou Residence, Tredyffrin Township, **Chester County**. Robert Kleinschmidt, 514 Hartman Run Road, Morgantown, WV 26505 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of No. 2 fuel oil. The future use of the site will be residential property.

Segich Property, Borough of Parkside, **Delaware County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Ann Segich, 20 West Chelton Road, Brookhaven, PA 19015 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by the release of No. 2 fuel oil. A summary of the Notice of Intent to Remediate was reported to have been published in *The Delaware County Daily Times* on November 14, 2008.

Former Pennsylvania School of Muscle Therapy, City of Philadelphia, **Philadelphia County**. Samuel Kucai, Environmental Consulting, Inc., 500 East Washington Street, Norristown, PA 19401 on behalf of Mary Jo and John Myers, 1598 Horseshoe Trail, Valley Forge, PA 19481, Alice Allan, Allan Properties, LLC, 190 Murphy Drive, King of Prussia, PA 19406 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of No. 2 Fuel oil. The intended future use of the site is a school and child day care center.

PWD SW Water Pollution Control Plant, City of Philadelphia, **Philadelphia County**. Thomas Maher, Jr., P. G., RETTEW Associates, Inc., 3020 Columbia Avenue, Lancaster, PA 17603 on behalf of Dennis Blair, City of Philadelphia Water Department, 1101 Market Street, Philadelphia, PA 19107, Roy Romnao, City of Philadelphia Water Department, 1101 Market Street, Philadelphia, PA 19107 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted with the release of chlorinated solvents.

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

Fruitville Business Park, City of Lancaster, **Lancaster County**. Alternative Environmental Solutions, Inc., 480 New Holland Avenue, Suite 8203, Lancaster, PA 17602, on behalf of Robert Lepore, c/o John Reed, Esquire, Barley Snyder, LLC, 126 East King Street, Lancaster, PA 17602-2893, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with metals, VOCs, SVOCs and PCBs. The site will be used for commercial purposes and will be remediated to the Site-Specific Standard.

Kingston House Apartments, West York Borough, **York County**. Groundwater Services International, Inc., 443 McCormick Road, Mechanicsburg, PA 17055, on behalf of Delphia Management Corporation, 118 North George Street, York, PA 17401, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with metals and SVOCs from historical industrial activity. The property will continue to be residential apartments, and will be remediated to the residential Statewide Health Standard.

Former Hunter Station, Middle Paxton Township, **Dauphin County**. Herbert Rowland & Grubic, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Dauphin County Parks and Recreation, 100 Fort Hunter Road, Harrisburg, PA 17110, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with petroleum products. The site operated as an automobile fueling and service station until the early 1970s. The site will be remediated to a combination of Statewide Health and Site-Specific Standards, and proposed use will be recreational.

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

Arnold Transportation Services I-80 mm 190 EB Accident, Greene Township, **Clinton County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Arnold Transportation Services, 451 Freight Street, Camp Hill, PA 17011 has submitted a Notice of Intent to Remediate soil contaminated with motor oil. The applicant proposes to remediate the site to meet the Statewide Health Standard. The accident site will remain a right-of-way along the interstate highway.

Sel-lo Oil Co. Gasoline Tanker Spill, Muncy Creek Township, **Lycoming County**. Taylor GeoServices, 38

Bishop Hollow Road, Suite 200, Newtown Square, PA 19073 on behalf of Sel-lo Oil Co., R. R. 2, Box 269, Altoona, PA 16601 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with unleaded gasoline. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Williamsport Sun Gazette* on November 13, 2008. The property will continue to be used as a Federal highway.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

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

PLAN APPROVALS

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.

21-03078B: Carlisle Coatings and Waterproofing, Inc. (1275 Ritner Highway, Carlisle, PA 17013) for venting of an existing dust collector directly to the atmosphere at their sheet roofing plant in Carlisle Borough, **Cumberland County**. The plan approval and subsequent operating permit amendment will include emission limits along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

25-025N: General Electric Transportation Systems—Erie Plant (2901 East Lake Road, Room 9-201, Erie, PA 16531) for replacement of the existing VPI system (Source 178) and expansion of the source by adding another VPI tank and six ovens in Lawrence Park Township, **Erie 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:

- Subject to 25 Pa. Code §§ 123.13 and 123.21.
- The VOC emissions from the source shall not exceed 24.9 tpy based on a consecutive 12-month period.
- Subject to 25 Pa. Code § 129.52.
- Subject to 40 CFR 63, Subpart Mmmm.
- The permittee shall maintain a record of certification of the VOC content of each coating used. A certification will be required when there is a new supplier, a reformulation of an existing coating, or the addition of a new coating not previously certified. The certification must demonstrate that the VOC content was determined in accordance with 40 CFR 60, Appendix A—Reference Method 24.
- The source shall be maintained and operated in accordance with the manufacturer's specifications, in accordance with good air pollution control practices or in accordance with good engineering practices.
- Emission Reduction Credit Requirements.
- The company shall not operate the modified source until the required emission reduction credits are provided to and processed through the ERC registry.
- The company is required to secure emission offsets in the amount of 74.5 tpy of VOCs to offset emissions of 64.74 tpy of VOCs.

- If the amount of required emission reduction credits increases, the company shall secure emission offsets according to a schedule determined by the Department of Environmental Protection.

OPERATING PERMITS

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

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

TV 35-00032: Cinram Manufacturing, LLC (1400 East Lackawanna Avenue, Olyphant, PA 18448) for operation of a motion picture production and video disk reproduction facility, Title V Operating Permit in Olyphant Borough, **Lackawanna County**.

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.

15-00029: Dopaco, Inc. (100 Arrandale Boulevard, Exton, PA 19341) for operation of their printing and paperboard assembly facility in Downingtown Borough, **Chester County**. The permit is for a non-Title V (State-only) facility, with the sitewide VOC emissions limited to 24.9 tons per 12-consecutive month period. Major sources of air emissions include six flexographic presses and support equipment. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

46-00118: Ursinus College (601 East Main Street, Collegeville, PA 19426) for renewal of the State-only Operating Permit in Collegeville Borough, **Montgomery County**. The initial permit was issued on August 3, 2004. The permit is for the operation of two Heat Plant boilers, each with a rated capacity of 12 mmBtu/hr, 44 smaller boilers (rated capacity less than 0.7 mmBtu/hr) and 15 natural gas fired emergency generators. The permit will include monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

40-00082: Reading Materials, Inc. (2052 Lucon Road, Skippack, PA 19474) for operation of a batch asphalt plant and associated air cleaning devices at their facility in Foster Township, **Luzerne County**. This facility is currently operating under Operating Permits 40-303-021 and 40-303-028. The permit requirements shall be included in the new State-only (Synthetic Minor) Operating Permit for this facility. This Operating Permit shall include emission restrictions, monitoring, recordkeeping and reporting requirements designed to ensure this facility complies with all applicable air quality regulations.

40-00099: Reading Materials, Inc. (2052 Lucon Road, Skippack, PA 19474) for operation of a batch asphalt plant and associated air cleaning devices at their facility in Lehman Township, **Luzerne County**. This facility is currently operating under Operating Permit 40-303-020B. The permit requirements shall be included in the new

State-only (Synthetic Minor) Operating Permit for this facility. This Operating Permit shall include emission restrictions, monitoring, recordkeeping and reporting requirements designed to ensure this facility complies with all applicable air quality regulations.

54-00059: Magdalene (P. O. Box 215, Ringtown, PA 17967) for operation of a funeral service and crematory facility in Ringtown Borough, **Schuylkill County**. This is a State-only Natural Minor operating permit.

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

65-00899: Snyder Funeral Home (402 East Church Street, Ligonier, PA 15658-1414) for operation of a crematory at their Laurel Highlands Crematory facility in Donegal Borough, **Westmoreland County**. This is a renewal of the State-only operating permit issued in 2004.

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:

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

¹The parameter is applicable at all times.

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

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

32921601 and NPDES Permit No. PA0095117, Sprankle Mills Tipple (P. O. Box 343, Punxsutawney, PA 15767), to renew the permit for the Valier Coal Yard in North Mahoning Township, **Indiana County** and Perry Township, **Jefferson County** and related NPDES permit. No additional discharges. Application received October 22, 2008.

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

33990106 and NPDES Permit No. PA0228010, Falls Creek Energy Co., Inc. (568 Silvis Hollow Road, Kittanning, PA 16201). Renewal of an existing bituminous surface strip and auger operation in McCalmont Township, **Jefferson County** affecting 168.7 acres. Receiving streams: Turnip Run to Big Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received December 10, 2008.

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

17080117 and NPDES No. PA0257010, Beth Contracting, Inc. (815 Rock Run Road, Glen Campbell, PA 15742). Commencement, operation and restoration of a bituminous surface coal mine in Burnside Township, **Clearfield County**, affecting 148.0 acres. Receiving streams: Rock Run and West Branch Susquehanna River, classified for the following uses: CWF and WWF, respectively. There are no potable water supply intakes within 10 miles downstream. Application received December 8, 2008.

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

40660328C13, Pagnotti Enterprises, Inc. (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), boundary correction to an existing anthracite surface mine and coal refuse reprocessing operation in Hazle Township, **Luzerne County**, to increase the acreage from 474.0 acres to 531.0 acres, receiving stream: none. Application received December 5, 2008.

40663029C2, Northampton Fuel Supply Co., Inc. (1 Horwith Drive, Northampton, PA 18067), boundary correction to an existing anthracite surface mine and coal refuse reprocessing operation in Foster Township and Jeddo Borough, **Luzerne County**, to increase the acreage from 521.0 acres to 570.0 acres, receiving stream: none. Application received December 5, 2008.

Noncoal Applications Received

Effluent Limits—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

Parameter	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*		greater than 6.0; less than 9.0	
pH*			

* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

7574SM1 and NPDES Permit No. PA594300. Pennsy Supply, Inc., P. O. Box 3331, Harrisburg, PA 17105, renewal of NPDES Permit, Silver Springs Township, **Cumberland County**. Receiving stream: Conodoguinet Creek classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. Application received December 1, 2008.

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

66990805. G & S Stone (2035 SR29S, Tunkhannock, PA 18657), Stages I and II bond release of a quarry operation in Eaton Township, **Wyoming County** affecting 5.0 acres owned by Gary Shaver. Application received December 8, 2008.

7976SM2C9. Eureka Stone Quarry, Inc. (P. O. Box 249, Chalfont, PA 18914), boundary correction to an existing quarry operation in Warrington Township, **Bucks County** to increase the acreage from 134.9 to 139.6 acres, receiving stream: UNT to Neshaminy Creek. Application received December 8, 2008.

15830602C8. Allan A. Myers, LP, d/b/a Independence Construction Materials (638 Lancaster Avenue, Malvern, PA 19355), correction to an existing quarry operation to update the reclamation plan in Charlestown Township, **Chester County** affecting 87.7 acres, receiving stream: unnamed intermittent tributary of Pickering Creek. Application received December 8, 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 com-

ment, 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

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

E28-351: Borough of Waynesboro, South Potomac Street Improvement Project, The Borough of Waynesboro, Kevin Grubbs, 57 East Main Street, Waynesboro, PA 17268, Waynesboro Borough, **Franklin County**, United States Army Corps of Engineers, Baltimore District.

To: (1) remove 329.0 lineal feet of gabion baskets from the bed and banks of a stream; (2) grade 775.0 lineal feet of streambed, stream bank, and top of bank, removing approximately 743 cubic yards of material; (3) install and maintain 775.0 lineal feet of armoring in the channel bottom, 631.0 lineal feet of gabion baskets along the channel banks and 631.0 lineal feet of 6-foot high chain link fence along the top of bank; and (4) replace and maintain 230.0 feet of 8-inch sanitary sewer line, 44.0 feet of 18-inch sanitary sewer line, existing stormwater inlets and stormwater pipes at two culvert/bridge locations, and two 12-foot wide by 5-foot high concrete box culverts with two 16-foot wide by 6-foot high pre-cast concrete spans bridges. The proposed activities will impact a UNT to East Branch Antietam Creek (CWF). The project parallels Cemetery Avenue east of Potomac Street (Smithsburg, MD-PA Quadrangle N: 21.5 inches; W: 12.0 inches, Latitude: 39° 44' 32"; Longitude: 77° 35' 21") in the Borough of Waynesboro, Franklin County.

E31-216: Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106-8706, Dublin Township, **Huntingdon County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a 6-inch depressed, 95-inch wide by 67-inch high by 70-foot long corrugated metal arch pipe culvert in a UNT to North Branch Little Augwick Creek (HQ-CWF) and associated improvements to construct Frontage Road (T-301) and provide continued access for area residents, with the project located approximately 3,000 feet west of the Tuscarora Tunnel (Fanettsburg, PA Quadrangle N: 16.45 inches; W: 16.0 inches, Latitude: 40° 05' 26"; Longitude: 77° 51' 52") in Dublin Township, Huntingdon County.

E05-348: Bedford Borough Municipal Authority, 244 West Penn Street, Bedford, PA 15522, Waste Water Treatment Plant along Shobers Run, Bedford Township, **Bedford County**, United States Army Corps of Engineers, Baltimore District.

To rehabilitate the existing sewage treatment plant by removing the existing aeration tanks, chlorine tanks, sequencing batch reactor (SBR) tanks, and related pipings and then to construct and maintain 4 units of 60-foot diameter SBR tanks, 25-foot by 40-foot headworks building, 50-foot by 50-foot biofilter building, 28-foot by 40-foot SBR control building, 36-foot by 40-foot U.V. building, and related pipings to upgrade the condition located along the floodplain of Shobers Run (HQ-CWF-TSF) at the east end of John Street (Everett West, PA Quadrangle N: 3.0 inches; W: 16.40 inches, Latitude: 40° 00' 59"; Longitude: 78° 29' 32") in Bedford Township, Bedford County.

E21-410: Fuller Lake Swimming Area Expansion,

Department of Conservation and Natural Resources, Bureau of State Parks, P. O. Box 8451, Harrisburg, PA 17105-8451, Dickinson Township, **Cumberland County,** United States Army Corps of Engineers, Baltimore District.

To fill and maintain Fuller Lake's swimming area in order to expand the 5-foot and 8-foot deep swimming areas by placing rock and aggregates and sand on top of said rock, located in Pine Grove State Park (Dickinson, PA Quadrangle N: 6.45 inches; W: 7.36 inches, Latitude: 40° 0' 07.81"; Longitude: 77° 18' 9.28") in Dickinson Township, Cumberland County.

ACTIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

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

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0021652 SP	Kreamer Municipal Authority P. O. Box 220 Kreamer, PA 17833-0220	Snyder County Middlecreek Township	Middle Creek 6A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0023434 Sewage	Koppel Borough Arthur Street and Third Avenue P. O. Box 1 Koppel, PA 16136-0613	Beaver County Koppel Borough	Beaver River	Y
PA0219487 Sewage	Eighty Four Mining Company P. O. Box J Claysville, PA 15323	Washington County Amwell Township	UNT of Redd Run	Y
PA0096601 Sewage	Lower Ten Mile Joint Sewer Authority 144 Chartiers Road Jefferson, PA 15344	Washington County East Bethlehem Township	Tenmile Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0221520	Highland Township Municipal Authority P. O. Box 143 James City, PA 16734	Highland Township Elk County	UNT to Wolf Run 16-F	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. PA0029521, Sewage, **Pennridge School District**, 1200 North 5th Street, Perkasie, PA 18944. This proposed facility is located in Bedminster Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage into Deer Run in Watershed 2D.

NPDES Permit No. PA0058599, Sewage, **Quartuccio Associates, LLC**, P. O. Box 430, Pipersville, PA 18947. This proposed facility is located in Bedminster Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage into a UNT to Cabin Run Creek in Watershed 2D.

NPDES Permit No. PA0026298, Amendment No. 1, Sewage, **Whitemarsh Township**, 616 Germantown Pike, Lafayette Hill, PA 19444-1821. This proposed facility is located in Whitemarsh Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the minor amendment to reduce sampling frequency for fecal coliform from daily to twice per week the discharge will be to the Schuylkill River in Watershed 3F.

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

NPDES Permit No. PA0253791, Sewage, **Munhall Borough Sanitary Sewer Municipal Authority**, 1809 West Street, Munhall, PA 15120. This proposed facility is located in Munhall Borough, **Allegheny County**.

Description of Proposed Action/Activity: Permit issuance for CSO related discharges.

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

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

WQM Permit No. 028405, Sewerage, **Township of O'Hara**, 325 Fox Chapel Road, Pittsburgh, PA 15238. This proposed facility is located in O'Hara Township, **Allegheny County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of Squaw Run Interceptor improvements.

WQM Permit No. WQG016167, Sewerage, **American Legion Post 512**, Route 68, Box 1341, Rochester, PA 15074. This proposed facility is located in New Sewickley Township, **Beaver County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a small flow treatment facility.

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 & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024508003	Middle Smithfield Township 25 Municipal Drive East Stroudsburg, PA 18302	Monroe	Middle Smithfield Township	Pond 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 & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050408004	Beaver County Airport 15 Piper Street Beaver Falls, PA 15010	Beaver	Chippewa Township	North Fork, Little Beaver Creek HQ-CWF

Fayette County Conservation District, 10 Nickman Plaza, Lemont Furnace, PA 15456, (724) 438-4497.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10L025-R	Pete Magerko Nemacolin Woodlands Co. 1001 LaFayette Drive Farmington, PA 15437	Fayette	Wharton Township	Deadmans Run HQ-CWF
PAI052603004	NWL Company 1001 LaFayette Drive Farmington, PA 15437	Fayette	Wharton Township	Deadmans 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 Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

*General Permit Type—PAG-2**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Wayne Township Schuylkill County	PAG2005408018	Jason Ruppert 1251 Little Mountain Road Myerstown, PA 17067	Upper Little Swatara Creek CWF	Schuylkill County Conservation District (570) 622-3742
North Union Township Schuylkill County	PAG2005408024	Schuylkill Conservation District 1206 AgCenter Drive Pottsville, PA 17901	Tomhicken Creek CWF	Schuylkill County Conservation District (570) 622-3742
Palmer Township Northampton County	PAG2004808018	IDI, Inc. Attn: Charles Stehlik 150 North Chester Road Suite A230 Radnor, PA 19087	Shoeneck Creek WWF	Northampton County Conservation District (610) 746-1971
Lower Nazareth and Palmer Townships Northampton County	PAG2004808022	Joseph I, LP Attn: John Joseph P. O. Box 116 Wind Gap, PA 18091-0116	Tributary to Shoeneck Creek WWF	Northampton County Conservation District (610) 746-1971
South Londonderry Township Lebanon County	PAG2003803042-R	Don Lechleitner Springbrook Farms, Inc. 1840 Fishburn Road Hershey, PA 17033	Swatara Creek WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 4
North Cornwall Township Lebanon County	PAR10P191-R	George Christianson Shadow Creek, LLC 411 Chestnut Street Lebanon, PA 17042	Snitz Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 4
Hampden Township Cumberland County	PAG2002103052-R	Hawks Landing Don Erwin 1943 Monterey Drive Mechanicsburg, PA 17050	UNT to Sears Run WWF	Cumberland County Conservation District 310 Allen Road Carlisle, PA 17013 (717) 240-7812
Greene Township Franklin County	PAG2002808014	Deer Crossing Phil Coblentz 10491 Liberty Road Frederick, MD 21701	UNT to Conococheague Creek CWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 (717) 264-5499
Greene Township Franklin County	PAG2002808030	Salem Road Village Greg Schellhase Salem Road Village, LLP 29 St. Paul Street Chambersburg, PA 17201	UNT to Conococheague Creek CWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 (717) 264-5499
Guilford Township Chambersburg Borough Franklin County	PAG2002808034	Vacon, Inc. FCADC/CADC 100 Lincoln Way East Chambersburg, PA 17201	Conococheague Creek CWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 (717) 264-5499
Washington Township Franklin County	PAG2002808031	J & R Mulch James Petre 14287 Anthony Highway Waynesboro, PA 17268	East Branch Antietam Creek CWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 (717) 264-5499

NOTICES

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*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving
Water/Use*

*Contact Office &
Phone No.*

Guilford Township
Franklin County

PAG2002803035-R

Norlo Park
Guilford Township
115 Spring Valley Road
Chambersburg, PA 17202

English Valley Run
CWF

Franklin County
Conservation District
185 Franklin Farm
Lane
Chambersburg, PA
17201
(717) 264-5499

Washington Township
Franklin County

PAG2002808022

Encore Developers
P. O. Box 312
Waynesboro, PA 17268

Red Run
CWF

Franklin County
Conservation District
185 Franklin Farm
Lane
Chambersburg, PA
17201
(717) 264-5499

Northumberland
County
East Chillisquaque
Township

PAG2004908010

Pottsgrove Fire Company
Fire Station and Social Hall
Unnamed Alley off SR 642
Pottsgrove, PA 17865

UNT of
Chillisquaque Creek
WWF

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

Cambria County
Summerhill Township

PAG2001108017

Thomas A. Pretash
Department of Transportation
District 9-0
1620 North Juniata Street
Hollidaysburg, PA 16648

South Fork Little
Conemaugh River
CWF

Cambria County
Conservation District
(841) 472-2120

Westmoreland
County
New Kensington City

PAG2006503049-R

Joseph Szczur
Department of Transportation
District 12
825 North Gallatin Avenue
Uniontown, PA 15401

Little Pucketa Creek
TSF

Westmoreland
County Conservation
District
(724) 837-5271

General Permit Type—PAG-3

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving
Water/Use*

*Contact Office &
Phone No.*

Scranton City
Lackawanna County

PAR602215

Lackawanna Recycling Center
3400 Boulevard Avenue
Scranton, PA 18512

Lackawanna River
CWF

DEP—NERO
Water Management
Program
2 Public Square
Wilkes-Barre, PA
18711-2511
(570) 826-2511

Plains Township
Luzerne County

PAR802206

Altec Industries, Inc.
250 Laird Street
Plains, PA 18705-3821

Susquehanna River
CWF

DEP—NERO
Water Management
Program
2 Public Square
Wilkes-Barre, PA
18711-2511
(570) 826-2511

Wayne Township
Schuylkill County

PAR222204

Reynold's Sawmill
344 Summer Hill Road
Schuylkill Haven, PA 17972

Little Swatara Creek
CWF

DEP—NERO
Water Management
Program
2 Public Square
Wilkes-Barre, PA
18711-2511
(570) 826-2511

*Facility Location:
Municipality &
County*Throop Borough
Lackawanna County*Permit No.*
PAR202208*Applicant Name &
Address*
McGregor Industries, Inc.
46 Line Street
Dunmore, PA 18512*Receiving
Water/Use*
Eddy Creek
WWF*Contact Office &
Phone No.*
DEP—NERO
Water Management
Program
2 Public Square
Wilkes-Barre, PA
18711-2511
(570) 826-2511Bedford County
Bedford Township

PAR113540

JLG Industries, Inc.
1 JLG Drive
McConnellsburg, PA 17233Raystown Branch
Juniata River
TSFDEP—SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
(717) 705-4707Fulton County
Ayr Township

PAR113514

JLG Industries, Inc.
1 JLG Drive
McConnellsburg, PA 17233UNT to Big Cove
Creek
CWFDEP—SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
(717) 705-4707York County
Wellsville Borough

PAR203592

Pennex Aluminum Company
50 Community Street
P. O. Box 100
Wellsville, PA 17365Doe Run
WWFDEP—SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
(717) 705-4707*General Permit Type—PAG-4**Facility Location:
Municipality &
County*New Sewickley
Township
Beaver County*Permit No.*
PAG046388*Applicant Name &
Address*
American Legion Post 512
Route 68
Box 1341
Rochester, PA 15074*Receiving
Water/Use*
UNT to Brush Creek*Contact Office &
Phone No.*
Southwest
Regional Office
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA
15222-4745
(412) 442-4000*General Permit Type—PAG-5**Facility Location:
Municipality &
County*Richland Township
Cambria County*Permit No.*
PAG056224*Applicant Name &
Address*
Sheetz, Inc.
2700 Sixth Avenue
Altoona, PA 16602*Receiving
Water/Use*
UNT Drains to
Stony Creek*Contact Office &
Phone No.*
Southwest
Regional Office
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA
15222-4745
(412) 442-4000Mt. Pleasant
Township
Washington County

PAG056217

Coen Oil Company
P. O. Box 34
1100 West Chestnut Street
Washington, PA 15301

Chartiers Creek

Southwest
Regional Office
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA
15222-4745
(412) 442-4000White Township
Indiana County

PAG056225

United Refining Company of PA
P. O. Box 688
11 Bradley Street
Warren, PA 16365

McCarthy Run

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 & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Washington Township Greene County	PAG056223	Coen Oil Company P. O. Box 34 1100 Chestnut Street Washington, PA 15301	Boyd Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Bullskin Township Fayette County	PAG056219	Sheetz, Inc. 5700 Sixth Avenue Altoona, PA 16602	Mounts Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Cumberland Township Greene County	PAG056220	Sheetz, Inc. 5700 Sixth Avenue Altoona, PA 16602	Little Whiteley Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Menallen Township Fayette County	PAG056222	Paul Carroll P. O. Box 303 New Salem, PA 15468	UNT to Dunlap Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
City of New Kensington Westmoreland County	PAG056221	Sunoco, Inc. 350 Eagleview Boulevard Suite 300 Exton, PA 19341	Allegheny River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Marshall Township Allegheny County	PAG056215	Sunoco, Inc. 350 Eagleview Boulevard Suite 300 Exton, PA 19341	Brush Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Richland Township Allegheny County	PAG056213	Handee Marts, Inc. 714 Warrendale Road Gibsonia, PA 15044	West Branch of Deer Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*Facility Location:
Municipality &
County*Monongahela
Township
Greene County*Permit No.*

PAG056214

*Applicant Name &
Address*Jacobs Petro Products, Inc.
424 South Washington Road
Waynesburg, PA 15370*Receiving
Water/Use*UNT to Whiteley
Creek*Contact Office &
Phone No.*Southwest
Regional Office
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA
15222-4745
(412) 442-4000*General Permit Type—PAG-8 (SSN)**Facility Location:
Municipality &
County*Young Township
Indiana County*Applicant Name &
Address*Synagro
3239 Route 981
New Alexandria, PA 15670*Site Name*

Rearick Farm

*Contact Office &
Phone No.*Southwest
Regional Office
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA
15222-4745
(412) 442-4000*General Permit Type—PAG-9**Facility Location:
Municipality &
County*Steuben Township
Crawford County*Permit No.*

PAG098304

*Applicant Name &
Address*Sterling Sanitation Service
37021 Tryonville Road
Centerville, PA 16404-4547*Site Name &
Location*Sterling Sanitation
Service
37021 Tryonville
Road
Centerville, PA
16404-4547*Contact Office &
Phone No.*DEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA
16335-3481
(814) 332-6942**STATE CONSERVATION COMMISSION****NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR
NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES)
PERMITS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)**

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

Persons aggrieved by any action may appeal under section 517 of Act 38, section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachael Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board. Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

**ACTIONS—NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET
CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Downs Racing LP d/b/a Mohegan Sun at Pocono Downs 1280 Highway 315 Wilkes-Barre, PA 18702	Luzerne	216	254	Horse	N/A	Approved

**PUBLIC WATER SUPPLY (PWS)
PERMITS**

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

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

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Permit No. 0108503, Public Water Supply.
Applicant **Gettysburg Municipal Authority**
Municipality **Cumberland Township**
County **Adams**

Type of Facility Construction of a new treatment building for Well No. 9 with disinfection, chlorine dioxide and arsenic removal treatment.

Consulting Engineer **Diana Young, P. E. Buchart-Horn, Inc. P. O. Box 15040 York, PA 17405-7040**

Permit to Construct Issued **December 10, 2008**

Permit No. 3608518 MA, Minor Amendment, Public Water Supply.

Applicant **David L. Fite Realty, Ltd.**
Municipality **Providence Township**
County **Lancaster**

Type of Facility **Change in the booster pumps and storage tank.**

Consulting Engineer **Stephen R. Morse, P. E. Skelly and Loy, Inc. 2601 North Front Street Harrisburg, PA 17110-1185**

Permit to Construct Issued **December 9, 2008**

Operations Permit issued to **Borough of Carlisle**, 7210002, Carlisle Borough, **Cumberland County** on December 9, 2008, for the operation of facilities approved under Construction Permit No. 2107506 MA.

Operations Permit issued to **The York Water Company**, 7670100, West Manheim Township, **York County** on December 9, 2008, for the operation of facilities approved under Construction Permit No. 6707514.

Operations Permit issued to **Pennsylvania American Water**, 7210029, Silver Spring Township, **Cumberland County** on December 9, 2008, for the operation of facilities approved under Construction Permit No. 2108502 MA.

Operations Permit issued to **Carlisle Borough**, 7210002, Carlisle Borough, **Cumberland County** on December 9, 2008, for the operation of facilities approved under Construction Permit No. 2108504 MA.

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

Permit No. 4871-A9, Public Water Supply.
Applicant **Municipal Authority of the Borough of Derry**
620 Chestnut Street Derry, PA 15627

Borough or Township Derry Borough
 County **Westmoreland**
 Type of Facility Mowry Way pump station
 Consulting Engineer Gibson-Thomas Engineering Co.,
 Inc.
 1004 Ligonier Street
 P. O. Box 853
 Latrobe, PA 15650
 Permit to Construct December 9, 2008
 Issued

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

Operations Permit issued to **Scott A. Mitchell, Mitchell Lake MHP**, PWSID No. 6200002, Cambridge Township, **Crawford County**, on December 4, 2008, for operation of the arsenic treatment system at the mobile home park, per specifications approved by construction permit 2007503, issued July 23, 2008.

Operations Permit issued to **PA American Water Company**, PWSID No. 5100012, City of Butler and Butler Township, **Butler County**, on December 12, 2008, for operation of the 250,000 gallon elevated storage tank known as "Oak Hill" tank following the renovation of the interior and exterior, per specifications approved by construction permit 1069502-T1-MA7, issued January 15, 2008.

Transfer and Consolidation of Operations Permits issued to **Fox Township**, PWSID No. 6240008, Fox Township, (Village of Kersey) **Elk County**, on December 5, 2008, under Permit No. 2495501-T1, for operation of Toby Water per specifications approved by construction permit 2495501, issued July 13, 1995; 8788W, issued July 28, 1959; 8788W-MA1, issued November 26, 1991; 2493503, issued October 18, 1994; 2495501-MA1, issued February 6, 1996, and 2493503-MA1, issued July 14, 2008. All historic information, including applications and reviews are now incorporated into Permit No. 2495501-T1.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published

in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a Site-Specific Standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

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

CVS New Garden, New Garden Township, **Chester County**. Craig Herr, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of John Zaharchuk, Summit Realty Advisors, LLC, 621 Delaware Street, P. O. Box 428, New Castle, DE 19720, has submitted a Final Report concerning remediation of site soil contaminated with inorganic. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

Arnold Transportation Services I-80 MM 190 EB Accident, Greene Township, **Clinton County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Arnold Transportation Services, 451 Freight Street, Camp Hill, PA 17011 has submitted a Final Report concerning remediation of site soil contaminated with motor oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Sel-lo Oil Co. Gasoline Tanker Spill, Muncy Creek Township, **Lycoming County**. Taylor GeoServices, 38 Bishop Hollow Road, Suite 200, Newtown Square, PA 19073 on behalf of Sel-lo Oil Co., R. R. 2, Box 269, Altoona, PA 16601 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with unleaded gasoline. 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 Stan-

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

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

The Department has received the following plans and reports:

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

Navy Yard Fire Training Area and Bridge, City of Philadelphia, **Philadelphia County**. Bill Fisher, AIA Liberty Property/Syntera Limited Partnership, L/S 26th Street North, LP, Eight Penn Center, 1628 JFK Boulevard, Suite 1100, Philadelphia, PA 19103, James Stynchula, P. G., Pennoni, One Drexel Plaza, 3001 Market Street, Philadelphia, PA 19104 has submitted a Baseline Environmental Report concerning the remediation of site groundwater and soil contaminated with solvents, btex, PAHs metals, semivolatiles and mercury. The Baseline Environmental Report was approved by the Department of Environmental Protection on September 3, 2008.

Frankford Cleaners, City of Philadelphia, **Philadelphia County**. Jonathan Rybacki, Apex Companies, LLC, 269 Great Valley Parkway, Malvern, PA 19355 on behalf

of Eric Silvers, URSP, I, LLC, One Independent Drive, Suite 114, Jacksonville, FL 32202 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with chlorinated solvents. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department of Environmental Protection on November 5, 2008.

Siegfried Residence, Hilltown Township, **Bucks County**. Richard Werner, Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401 on behalf of Tina Siegfried, 1106 Souderton Road, Perkasie, PA 18944 has submitted a Final Report concerning the remediation of site soil contaminated with heating oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on December 2, 2008.

Bensalem Redevelopment, Bensalem Township, **Bucks County**. Jeff Walsh, Penn E & R, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Joe Casey, BRLP, 2310 Terwood Drive, Huntingdon Valley, PA 19006 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with pcbs, lead, heavy metals, pesticides, solvents, btex, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The Final Report demonstrated attainment of the Site-Specific Standard and Statewide Health Standard was approved by the Department of Environmental Protection on September 26, 2008.

2345-51 South Swanson Street Site, City of Philadelphia, **Philadelphia County**. Michael Christie, Penn E & R, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Eli Stein, S & S Family Partnership, 230 South Broad Street, Philadelphia, PA 19102 has submitted a Risk Assessment and Cleanup Plan concerning the remediation of site groundwater and soil contaminated with inorganic and other organics. The Risk Assessment and Cleanup Plan were approved by the Department of Environmental Protection on November 26, 2008.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Determination of Applicability for General Permit Approved 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/or the Beneficial Use of Residual Waste Other Than Coal Ash.

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

General Permit Application No. WMGR074D001. Clean Earth of Southeast Pennsylvania, Inc., 7 Steel Road East, Morrisville, PA 19067.

The general permit WMGR074D001 is for the processing of: (i) paper pulp sludge; (ii) biosolids; (iii) lime neutralized industrial wastewater sludge; and (iv) water treatment plant sludge, to produce a soil-like material for beneficial use as: (a) landscaping application; (b) landfill daily or intermediate cover; (c) an ingredient or a component in the production of hot mix asphalt paving material; (d) landfill final/construction cover; (e) in compost plant feed; or (f) blending with other aggregate as a roadway sub-base for roadway construction use. The

processing facility is located in Falls Township, **Bucks County**. Central Office approved the determination of applicability on December 10, 2008.

Persons interested in reviewing the general permit should contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users should contact the Department of Environmental Protection through the Pennsylvania AT&T Relay Service, (800) 654-5984.

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.

GP2-23-0120: Sunoco, Inc.—R & M (100 Green Street, Marcus Hook, PA 19061) On December 10, 2008, to operate one 5,000-gallon fixed roof storage tank for methanol in Marcus Hook, **Delaware County**.

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

39-399-065GP19: Victaulic Co. (P. O. Box 31, Easton, PA 18044-0031) On November 24, 2008, to install and operate two shot blast machines at their site in Alburts Borough, **Lehigh County**.

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

GP5-30-00181: Mark West Liberty Gas Gathering, LLC (1515 Arapahoe Street, Tower 2, Suite 700, Denver, CO 80202) On November 14, 2008, to install and operate two Caterpillar Model 3516 LE 1340-bhp compressor engines and a Natco Dehydrator rated at 0.275 mmBtu/hr equipped with a flare at their Black Compressor Station at Greene Township, **Greene County**. (This is a correction of a notice printed as GP5-63-00940 at 38 Pa.B. 6657 (December 6, 2008).)

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.

09-0048D: H & K Materials (300 Skunk Hollow Road, Chalfont, PA 18914) On December 3, 2008, to modify production parameters of an existing plan approval at an existing facility in Hilltown Township, **Bucks County**. The emission rate of NO_x, VOC, CO and SO_x are requested to be revised based on stack test results. The total annual production limit will be reduced from 495,000 tons to 445,000 tons. The facility will limit production while using the DuoDrum process to 50,000

tons and limit the Batch Mix process to 395,000 tons for a total limit of 445,000 tons. The annual potential to emit for all the criteria pollutants will decrease due to the reduction in the production limits and will become the new limits for the facility. The company shall comply with good air pollution control practices, monitoring and recordkeeping procedures designed to keep the facility operating within all applicable air quality requirements. (CORRECTION).

46-0270: Timberlane, Inc. (150 Domorah Drive, Montgomeryville, PA 18936) On December 9, 2008, to go install two spray booth operations at their Timberlane facility in Montgomery Township, **Montgomery County**. The facility is a manufacturing plant which paints exterior shutters for residential and commercial use. Timberlane is a new State-only facility with potential emissions below major facility thresholds for the Philadelphia Metropolitan Area; the facility is classified as a Natural Minor Facility. The new sources are two spray booth lines each consisting of a natural gas curing oven. Source ID 101 is the Cedar (wood) Paint Line, Source ID 102 is the Endurian (cellular PVC) Line; Source ID 201 is Clean-up Operations. The spray booths are subjected to 25 Pa. Code § 129.52; however compliance is met through the equivalency method of 25 Pa. Code § 129.51(a)(1). The plan approval will include monitoring, testing, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

06-05005C: Eastern Industries, Inc. (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034-9467) On December 8, 2008, for conversion of the existing rotary dryer burner to be capable of burning On-Specification Waste Derived Liquid Fuel in addition to previously approved liquid fuels No. 2, No. 4 and No. 5. The plant will continue to be controlled by a cyclone and a fabric filter baghouse in Oley Township, **Berks County**.

67-05107A: Crown Cork & Seal Co., Inc. (1650 Broadway, Hanover, PA 17331-8118) On December 9, 2008, for construction of a can assembly line with a bake oven at the plant in Penn Township, **York County**.

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

41-00056A: Wenger's Feed Mill, Inc. (101 West Harrisburg Avenue, Rheems, PA 17570) On November 18, 2008, for construction of an animal feed mill pellet line and associated air cleaning device (a high efficiency cyclone collector) in Clinton Township, **Lycoming County**.

08-310-005: E.A. Ward Excavating, Inc. (R. R. 3, Box 244, Troy, PA 16947) On December 4, 2008, for construction of a nonmetallic mineral processing plant and associated 238 horsepower diesel engine in West Burlington Township, **Bradford 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.

15-0004G: Reynolds Packaging, LLC (520 Lincoln Avenue, Downingtown, PA 19335) On December 3, 2008, to operate a A New Flexographic Press in Downingtown Borough, **Chester County**.

15-0054B: Highway Material, Inc. (P. O. Box 1667, 1750 Walton Road, Blue Bell, PA 19422) On December 3, 2008, to operate an asphalt paving mixtures and blocks in East Whiteland Township, **Chester County**.

15-0039A: Highway Material, Inc. (P. O. Box 1667, 1750 Walton Road, Blue Bell, PA 19422) On December 3, 2008, to operate an asphalt paving mixtures and blocks in East Whiteland Township, **Chester County**.

46-0239: SEI Investments, (1 Freedom Valley Drive, Oaks, PA 19456) On December 3, 2008, to operate two emergency generators in Upper Providence Township, **Montgomery County**.

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

67-05004I: P. H. Glatfelter (228 South Main Street, Spring Grove, PA 17362) On December 2, 2008, to install a fluidized bed scrubber on the Fluo-Solids Calciner in Spring Grove Borough, **York County**. This plan approval was extended.

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

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Matthew Williams, Facilities Permitting Chief, (814) 332-6940.

42-00158: Temple Inland—Mt. Jewett Complex (400 Moravia Street, PA 16101-3950) On December 10, 2008, to Administrative Amend the Title V Operating Permit to incorporate Plan Approval No. 42-158K for the board breaker, source 115 in Sergeant Township, **McKean County**. The board breaker is included in the PM PAL requirements.

43-00036: Hodge Foundry, Inc., (42 Leach Road, Greenville, PA 16125) On December 8, 2008, is being administratively amended to incorporate changes brought about by Plan Approval Number 43-036A in Greenville Borough, **Mercer County**. Limits on resin and catalyst usage have been increased.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.

46-00248: Pottstown Borough Auth Montgomery County (100 East High Street, Pottstown, PA 19464) On December 9, 2008, for issuance of a State-only Operating Permit to operate a sewage sludge dryer in Pottstown Borough, **Montgomery County**. Plan Approval, 46-0248, is being incorporated into the facility permit, NMOP-46-00248. This Operating Permit shall include monitoring and recordkeeping designed to ensure this facility complies with all applicable air quality regulations.

09-00156: Old Castle Lawn and Garden, Inc. (500 East Pumping Station Road, Quakertown, PA 18951) On December 9, 2008, for issuance of a State-only Operating Permit to operate five diesel engines and wood processing equipment in Richland Township, **Bucks County**. The facility is synthetic minor for NOx, CO and PM. Plan Approvals, PA-09-0156 and PA-09-0156A, are being incorporated into the facility permit, SMOP-09-00156. This Operating Permit shall include monitoring and recordkeeping designed to ensure this facility complies with all applicable air quality regulations.

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

01-03015: Hanover Lantern, Inc. (350 Kindig Lane, Hanover, PA 17331) On December 10, 2008, for operation of a lamp post and light fixture manufacturing plant in Conewago Township, **Adams County**. This is a renewal of the State-only operating permit.

01-05024: McDermitt, Inc. (83 Hunterstown Road, Gettysburg, PA 17325-7666) On December 10, 2008, for operation of batch asphalt and concrete plants at their facility in Straban Township, **Adams County**. This is a renewal of the State-only operating permit.

06-05037: McConway & Torley, LLC (109 48th Street, Pittsburgh, PA 15201-2755) On December 10, 2008, for operation of a steel foundry in Kutztown Borough, **Berks County**. This is a renewal of the State-only operating permit.

67-03114: Hanover Lantern, Inc. (350 Kindig Lane, Hanover, PA 17331) On December 10, 2008, for operation of an aluminum foundry at their High Street Plant in Hanover Borough, **York County**. This is a renewal of the State-only operating permit.

67-03117: GEA FES, Inc. (3475 Board Road, York, PA 17406-8414) On December 10, 2008, for operation of two coating booths in Manchester Township, **York 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.

08-00012: Cargill Meat Solutions Corp. (P. O. Box 188, Wyalusing, PA 18853) On November 13, 2008, for operation of a meat packing facility in Wyalusing Township, **Bradford County**.

41-00020: Keystone Filler & Manufacturing Co., Inc. (214 Railroad Street, Muncy, PA 17756) on November 18, 2008, for operation of a coal, shale, and the like, processing facility in Muncy Creek Township, **Lycoming County**.

49-00028: Wildwood Cemetery Co. (1151 Cemetery Street, Williamsport, PA 17701) On December 9, 2008, for operation of a human remains crematory facility at the Pomfret Manor Cemetery in the City of Sunbury, **Northumberland County**.

18-00021: Avery Dennison Performance Polymers (171 Draketown Road, Mill Hall, PA 17751) On December 9, 2008, for operation of a polymer products manufacturing facility in Bald Eagle Township, **Clinton County**.

14-00037: Spectrum Control, Inc. (1900 West College Avenue, State College, PA 16801) On December 9, 2008, for operation of a ceramic capacitor manufacturing facility in Ferguson Township, **Centre County**.

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.

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

65-00042: Ranbar Electrical Materials, Inc. (Route 993, P. O. Box 607, Manor, PA 15665) On December 10, 2008, to replace the original thermal oxidizer with a new regenerative thermal oxidizer at their Manor Plant located in Manor Township, **Westmoreland County**. The facility's major sources of emissions include paint and resin manufacturing which emit major source levels of VOCs.

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.

30841316 and NPDES Permit No. PA0213535, Consol Pennsylvania Coal Company, (1525 Pleasant Grove Road, P. O. Box J, Claysville, PA 15323), to revise the permit for the Bailey Mine and Prep Plant in Richhill Township, **Greene County** and related NPDES permit to construct Phase II of the Crabapple Overland Belt from the prep plant to the slope site. Surface Acres Proposed 212.0. Receiving streams: UNT 23 to Enlow Fork and UNT 30 to Enlow Fork, both classified for the following use: WWF. Application received August 7, 2008. Permit issued December 10, 2008.

30841316 and NPDES Permit No. PA0213535, Consol Pennsylvania Coal Company, (1800 Washington Road, Pittsburgh, PA 15241), to revise the permit for the Bailey Mine and Prep Plant in Richhill and Morris Townships, **Greene County** to add acreage for development mining of the upper east corridor area. Underground Acres Proposed 330.14, Subsidence Control Plan Acres Proposed 448.05. No additional discharges. Application received June 25, 2008. Permit issued December 10, 2008.

30810703 and NPDES Permit No. PA0092894, Consol Pennsylvania Coal Company, LLC, (1800 Washington Road, Pittsburgh, PA 15241), to renew the

permit for the Bailey Coal Refuse Disposal Areas No. 1 and No. 2 in Richhill Township, **Greene County** and related NPDES permit. No additional discharges. Application received July 2, 2008. Permit issued December 11, 2008.

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

56980103 and NPDES No. PA0234699. Godin Brothers, Inc., 128 Colton Drive, Stoystown, PA 15563, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Jenner and Lincoln Townships, **Somerset County**, affecting 133.5 acres. Receiving streams: UNTs to Quemahoning Creek classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Quemahoning SWI. Application received August 5, 2008. Permit issued December 3, 2008.

32070105. Bedrock Mines, LP, 111 Freeport Road, Pittsburgh, PA 15215, transfer of an existing bituminous surface mine from Walter L. Houser Coal Company, Inc., 12968 US Route 422, Kittanning, PA 16201 located in Washington Township, **Indiana County**, affecting 35.0 acres. Receiving streams: South Branch Plum Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 2, 2008. Permit issued December 8, 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 streams: 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. Permit issued December 10, 2008.

32030107 and NPDES Permit No. PA0249483, Simpson Coal Company, R. R. 1, Box 224, New Alexandria, PA 15670, permit renewal for reclamation only of a bituminous surface and auger mine in Young Township, **Indiana County**, affecting 37.0 acres. Receiving streams: UNT to Blacklegs Creek classified for the following use: CWF. Application received October 10, 2008. Permit issued December 10, 2008.

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

03030104 and NPDES Permit No. PA0250392. Allegheny Mineral Corp. (P. O. Box 1022, Kittanning, PA 16201). Renewal permit issued for continued commencement, operation and reclamation of an existing bituminous surface mine, located in Manor Township, **Armstrong County**, affecting 100.3 acres. Receiving streams: Rupp Run and UNT to Garretts Run. Application received September 15, 2008. Permit issued December 11, 2008.

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

43020103 and NPDES Permit No. PA0242136. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127) Renewal of an existing bituminous strip and coal ash placement operation in Sandy Lake Township, **Mercer County** affecting 95.4 acres. Receiving streams:

UNT B to Sandy Creek. Application received October 8, 2008. Permit issued December 8, 2008.

33920109 and NPDES Permit No. PA0211427. Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849) Renewal of an existing bituminous strip and auger operation in Winslow Township, **Jefferson County** affecting 315.0 acres. Receiving streams: UNT to Soldier Run, Town Run, McCreight Run. Application received October 20, 2008. Permit issued December 9, 2008.

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

17020101 and NPDES No. PA0243205. Forcey Coal, Inc. (P. O. Box 225, Madera, PA 16661), permit renewal for the continued operation and restoration of a bituminous surface mine in Decatur Township, **Clearfield County**, affecting 61.0 acres. Receiving stream: UNT to Moshannon Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received October 16, 2008. Permit issued December 1, 2008.

Noncoal Permits Actions

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

56070803. Dale Kerschensteiner, 2174 Sandspring Road, Meyersdale, PA 15552, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Greenville Township, **Somerset County**, affecting 5.0 acres, receiving streams: UNT of Flaugherty Creek and Miller Run received September 24, 2007. Permit issued December 8, 2008.

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

66980302C2 and NPDES Permit No. PA0223956. Joseph W. Keller, (158 Anderson Road, Tunkhannock, PA 18657), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Lemon Township, **Wyoming County**, receiving stream: intermittent UNT to Loomis Creek. Application received October 24, 2008. Renewal issued: December 9, 2008.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

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

Blasting Permits Actions

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

45084153. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Shawnee Valley in Smithfield Township, **Monroe County** with an expiration date of December 8, 2009. Permit issued December 9, 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 AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for 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

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

E18-437. Columbia Gas Transmission Corporation, 950 Manifold Road, Washington, PA 15147. Natural gas compressor station, in Chapman Township, **Clinton County**, United States Army Corps of Engineers, Susquehanna River Basin District (Renovo East, PA Quadrangle N: 41° 21' 41.21"; W: 77° 42' 00.32").

To construct and maintain the placement of a prefabricated 8' by 10' steel building at the existing Columbia Gas Compressor station at the location stated herein. The building will be constructed within the FEMA designated floodway of Young Womans Creek. The site is located 820-feet north of the intersection of SR 4003, Left Branch Road and TR 579, Young Womans Creek Road (Renovo East, PA Quadrangle N: 41° 21' 41.21"; W: 77° 42' 00.32") in Chapman Township, Clinton County. This

project proposes to have a minimal impact on Young Womans Creek, which is designated a HW-CWF and does not propose to impact any jurisdictional wetlands. This permit was issued under Section 105.13(e) "Small Projects."

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

E32-486. Department of Transportation, District 10-0, 2550 Oakland Avenue, P. O. Box 429, Indiana, PA 15701. To place fill in wetlands and construct an RCP enclosure and relocate a UNT in Black Lick Township, **Indiana County**, United States Army Corps of Engineers, Pittsburgh District (Bolivar, PA Quadrangle N: 20.9 inches; W: 14 inches, Latitude: 40° 29' 14"; Longitude: 79° 13' 40"). To place and maintain fill in 0.026 acre of PEM wetland; construct and maintain a 146 ft. long, 6 inch depressed 60 inch diameter RCP enclosure with baffles; and relocate 470 ft. of a UNT to Muddy Run (CWF) with a drainage area of 225 acres. The project is associated with needed road safety and improvements and a relocation to SR 3013.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control (ESCP) Permits have been issued. Any person aggrieved by these actions may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and the Administra-

tive Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Individuals wanting to challenge this action, the appeal must reach the Board within 30 days. Individuals do not need a lawyer to file an appeal with the Board. Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. If individuals cannot afford a lawyer, individuals may qualify for free pro bono representation. Call the Secretary to the Board, (717) 787-3483, for more information.

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

<i>ESCP No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
ESCP-0808804	Fortuna Energy, Inc. Tracy Gregory 337 Daniel Zenker Drive Horseheads, NY 14845	Bradford County	Armenia and Troy Townships	Alba Creek CWF Rathbone Creek CWF UNT to North Branch Towanda Creek CWF

SPECIAL NOTICES

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

Act 181 Notification: Mine Drainage Treatment Projects, K & J Coal Company PBF 11693000.1 and 17880129.1 Chest Township, **Cambria County**; and Acme Drilling PBF 32823035.1 Burrell Township, **Indiana County**. The project involves treatment facilities located on forfeited surface mine sites. The work will include operation and maintenance of both passive and active treatment facilities. This project issues on December 13, 2008, and bids will be opened on January 7, 2009. A mandatory prebid meeting and field tour will be conducted on December 22, 2008, at 9 a.m. at the Cambria District Mine Office in Ebensburg, PA. Bid documents will be available after December 13 and at the prebid meeting. Bidders must obtain a Coal Mining License to qualify for the final award as per 25 Pa. Code § 86.189. Bid proposals shall be submitted to: Attn: Malcolm Crittenden, Department of Environmental Protection, 286 Industrial Park, Ebensburg, PA 15931. For more information call, Malcolm Crittenden at (814) 472-1900 or mcrittende@state.pa.us.

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

Swisher Contracting, Inc., GFCC No. 17-07-13, Siebenrock Operation, Lawrence Township, **Clearfield County** (Lick Run to West Branch of the Susquehanna River—Upper West Branch Watershed): A no-cost construction contract has been awarded to Swisher Contracting, Inc. that will result in the reclamation of approximately 12.6 acres of abandoned mine land including the reclamation of 2,600-feet of abandoned highwall. The site will be reclaimed and regraded to approximate original contour. Alkaline addition in the form of waste lime will be added to the mining area. A total of 2,600 tons of alkaline waste lime will be placed on the site. The estimated value of the reclamation work is \$94,500 which will be done at no cost to the Commonwealth. The site is located just northeast of Mt. Joy on lands formerly mined and subsequently abandoned by Shawville Coal Company in the late 1950's. Blasting has been approved as part of the reclamation activities. Refuse reprocessing is prohibited at the site.

[Pa.B. Doc. No. 08-2348. Filed for public inspection December 26, 2008, 9:00 a.m.]

Application Extension Announcement for the 2008 Illegal Dump Cleanup Grant Program

Applications for the 2008 Illegal Dump Cleanup Grant Program (Program) will be extended from December 19, 2008, to January 27, 2009. The Department of Environmental Protection (Department) will accept applications for the Program until 4 p.m. on January 27, 2009.

Program Objectives

The Department is seeking proposals from eligible partners in this Commonwealth for the remediation of illegal dumps throughout this Commonwealth. The remediation and clean-up of these illegal dumps will eliminate the environmental, health and safety hazards associated with these sites, restore the scenic beauty of our Commonwealth, as well as restore and enhance civic pride in our communities.

This grant program focuses on the following priority areas: cleanup of illegal dumps; surveillance of existing dump sites and remediated sites; enforcement of littering and illegal dumping ordinances; public awareness and education to inform local citizens about illegal dumping, littering and clean-up activities; and beautification and site restoration.

The Department will award grants of up to \$25,000 to any one applicant. Applicants may propose multiple sites for clean-up under one application provided the total grant request does not exceed \$25,000. A 50% match is required prior to initial invoice for every proposal.

Applications for the 2008 Program may be obtained by contacting Patti Olenick, Bureau of Waste Management, polenick@state.pa.us or (717) 787-8690. Applications are also available electronically at www.depweb.state.pa.us (DEP Keywords: Illegal Dumping).

JOHN HANGER,
Acting Secretary

[Pa.B. Doc. No. 08-2349. Filed for public inspection December 26, 2008, 9:00 a.m.]

Availability of Technical Guidance

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

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2008.

Ordering Paper Copies of Department Technical Guidance

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

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

Changes to Technical Guidance Documents

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

Draft Technical Guidance

DEP ID: 255-5800-001. Title: Guidance for Commonwealth Funded Water Supply Response Actions. Description: This guidance document proposes the conditions and requirements for using Commonwealth funds to conduct water supply response actions under the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1305) and the Storage Tank and Spill Prevention Act (35 P. S. §§ 6021.101—6021.2104). It provides general guidelines for Department staff regarding when and how Commonwealth funds may be used to provide temporary or permanent replacement water supplies at sites addressed under the Hazardous Sites Cleanup Act or the Storage Tank and Spill Prevention Act. The document proposes the allowable criteria, scope, and implementation costs for Commonwealth funded water supply response actions. Written Comments: The Department is seeking comments on draft technical guidance No. 255-5800-001. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments, suggestions or objections should be submitted by January 26, 2009. Contact: Written comments should be submitted to George Hartenstein, Department of Environmental Protection, Bureau of Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471, ghartenste@state.pa.us. Effective Date: Upon publication as final in the *Pennsylvania Bulletin*.

Final Technical Guidance

DEP ID: 274-0300-006. Title: Technical Guidance Pertaining to Continuous Source Monitoring Systems for Mercury. Description: This technical guidance document contains requirements relative to monitoring system design and performance, testing, recordkeeping, reporting and quality assurance for the owners and operators of affected industrial and utility sources, which are required to continuously monitor the emission of Mercury. The owners of approximately 30 companies may be affected by this guidance document. The Department published the Technical Guidance Pertaining to Continuous Source Monitoring Systems for Mercury as Interim Final with a 30-day public comment period on September 27, 2008 (38 Pa.B. 5367). The comment period closed on October 27, 2008. The Department received seven comments from three commentators. These comments were considered and addressed in the Comment and Response document; however no substantive changes were made to the guidance document as result of the comments received. Copies of this technical guidance document are available on the Department's public participation web site at www.depweb.state.pa.us (DEP Keyword: Participate) and on the Bureau of Air Quality's Continuous Emission Monitoring web site at www.dep.state.pa.us/dep/deputate/airwaste/aq/cemspage/cems.htm. Effective Date: December 27, 2008. Contact: Tony A. Pitts, Continuous Emission Monitoring Section, Division of Source Testing and Monitoring, Bureau of Air Quality at (717) 772-3973 or tpitts@state.pa.us.

JOHN HANGER,
Acting Secretary

[Pa.B. Doc. No. 08-2350. Filed for public inspection December 26, 2008, 9:00 a.m.]

Technical Advisory Committee on Diesel-Powered Equipment; Rescheduling of the January 2009 Meeting

The January 14, 2009, meeting of the Technical Advisory Committee on Diesel-Powered Equipment has been rescheduled to January 15, 2009. The meeting will begin at 10 a.m. in the Bureau of Mine Safety Conference Room, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA.

Questions concerning this meeting should be directed to Allison D. Gaida at (724) 439-7289 or agaida@state.pa.us. The agenda and meeting materials for this meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at www.depweb.state.pa.us (DEP Keyword "Participate").

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (724) 439-7289 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TTD) to discuss how the Department may accommodate their needs.

JOHN HANGER,
Acting Secretary

[Pa.B. Doc. No. 08-2351. Filed for public inspection December 26, 2008. 9:00 a.m.]

DEPARTMENT OF HEALTH

Availability of Title V State Abstinence Education Grant Program Funds Through Small Grants to Abstinence-Only Education to Youth Ages 12 to 17

The Department of Health (Department) Bureau of Family Health (Bureau) is accepting grant applications, using the Commonwealth's no-bid procurement procedures, for activities which promote and support decisions to abstain from sexual activity until marriage by providing abstinence education services as defined by section 510(b)(2) of the Social Security Act. Eligible activities must occur between January 1, 2009, and September 30, 2009. A maximum of \$5,000 is available. Applicants must be able to provide an 81.1% match as described later in these guidelines.

With the purpose of decreasing the number of teen pregnancies and thereby impacting the number of births to unmarried mothers in this Commonwealth, small grants are available to support ongoing, short term or single activities, events or services, and materials or equipment to increase the number of teens (ages 12 to 17) committed to abstaining from sexual activity until marriage by achieving the following objectives:

1. To increase the knowledge of 12 to 17 year old adolescents related to:
 - a. The characteristics of healthy relationships and stable marriages.
 - b. The long-term psychological, health and economic consequences of becoming a teen parent.

c. Influences of the media on sexual onset expectations, self-image and the like.

d. Transmission and consequences of sexually transmitted disease.

e. Relationship of risk-taking behaviors, such as substance abuse, criminal behavior and tobacco use and sexual onset.

f. Components of effective relationship communication and negotiating skills.

g. Human reproductive system, male and female.

2. To increase the self-efficacy of 12 to 17 year old adolescents related to their:

a. Belief in their ability to impact their own future.

b. Ability to set long term life goals.

c. Experience in identifying their own values.

d. Belief in the value of planning for a future career.

In the narrative, applicants must demonstrate how they will meaningfully address each of the following eight elements of the Federal definition of abstinence education (section 510(b)(2) of the Social Security Act) listed. Applicants should not or under-represent any of the elements in their program. The A-H elements of the Federal definition of abstinence education are:

A. Has as its exclusive purpose, teaching the social, psychological and health gains to be realized by abstaining from sexual activity.

B. Teaches abstinence from sexual activity outside marriage as the expected standard for all school age children.

C. Teaches that abstinence from sexual activity is the only certain way to avoid out-of-wedlock pregnancy, sexually transmitted diseases and other associated health problems.

D. Teaches that a mutually faithful monogamous relationship in the context of marriage is the expected standard of human sexual activity.

E. Teaches that sexual activity outside of the context of marriage is likely to have harmful psychological and physical effects.

F. Teaches that bearing children out-of-wedlock is likely to have harmful consequences for the child, the child's parents and society.

G. Teaches young people how to reject sexual advances and how alcohol and drug use increases vulnerability to sexual advances.

H. Teaches the importance of attaining self-sufficiency before engaging in sexual activity.

Eligible applicants are any Pennsylvania public and private organization, foundation or community-based agency with a Federal Tax ID number. Individuals may not apply. Eligible applicants may include, but are not limited to:

- Public and private schools
- Colleges and universities
- Faith-based youth groups
- Ethnic-based youth groups
- Community groups/coalitions
- Local governments

- Social/human service agencies
- Community health centers

Applicants must match their request with an 81.1% match. For example, if you request \$5,000 then your match will be \$4,055. The match must come from local government or private funding sources or from in-kind support. Provision of matching funds is a Federal requirement. Applicants are encouraged to visit the Department's web page (www.health.state.pa.us/abstinence) for an electronic version of this application, other informative materials and links to relevant web sites, or to call the Bureau to receive a copy in the mail.

Up to 75 awards of \$5,000 or less are available. Funds will be distributed on a first come first served basis. Applicants with a minimum score of seven (see award determination in the application on the Department's web page) will be approved and receive an award letter. There is no application deadline for these small grants. Check the Department's web page to determine whether funding opportunities remain. A one-time reimbursement of actual project expenses only occurs after a final invoice and final report is received and approved by the Department.

For more information visit the web site or call Wanda Godar, Bureau of Family Health, Division of Community Systems Development and Outreach, 7th Floor East, Health and Welfare Building, Harrisburg, PA 17120, (717) 772-2763, wgodar@state.pa.us.

A. EVERETTE JAMES,
Acting Secretary

[Pa.B. Doc. No. 08-2352. Filed for public inspection December 26, 2008, 9:00 a.m.]

Chronic Renal Disease Advisory Committee Meeting

The Renal Disease Advisory Committee, established by section 4 of the act of June 23, 1970 (P. L. 419, No. 14) (35 P. S. § 6204), will hold a public meeting on Friday, January 23, 2009, from 10 a.m. to 2 p.m. in Room 327 of the Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120.

For additional information, contact Carolyn S. Cass, Director, Division of Child and Adult Health Services, Department of Health, Health and Welfare Building, Seventh Floor, East Wing, 625 Forster Street, Harrisburg, PA 17120 or (717) 772-2762. Persons who wish to attend this meeting or if you are a person with a disability and desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so contact Carolyn Cass at the previous number or for alternative formats such as audiotape, Braille or TDD contact V/TT at (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

This meeting is subject to cancellation without notice.

A. EVERETT JAMES,
Acting Secretary

[Pa.B. Doc. No. 08-2353. Filed for public inspection December 26, 2008, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Emergency Department and Outpatient Access Payments

Purpose of Notice

The purpose of this notice is to announce that the Department of Public Welfare (Department) intends to amend the Commonwealth's Title XIX State Plan to authorize additional outpatient payments to certain acute care general hospitals that will be funded with revenues generated through a hospital assessment imposed by the City of Philadelphia.

Background

On July 4, 2008, the Pennsylvania General Assembly enacted Article IV-E of the Public Welfare Code (62 P. S. §§ 801-E—808-E) to authorize the City of Philadelphia to impose, by ordinance, a monetary assessment on the non-Medicare net operating revenue of acute care general hospitals located in the city. The new Hospital Assessment Program (Program) is intended to generate additional revenues to fund Medical Assistance (MA) expenditures for hospital emergency department services in Philadelphia. The Program is also expected to generate additional funding to support the city's public health clinics. To ensure receipt of Federal matching funds for the MA payments made with these assessment revenues, the Department must submit a waiver request to the Federal Centers for Medicare and Medicaid Services (CMS). Once that waiver is approved, the city may impose the assessment as specified in Article IV-E effective January 1, 2009 through June 30, 2013.

In authorizing the Program, the General Assembly recognized that a greater proportion of Philadelphia's population receives MA benefits than any other county in this Commonwealth and that the demand for emergency department services in the city hospitals often exceeds the capacity of the area's emergency department's system. By establishing a mechanism to generate additional revenues through hospital assessments, the General Assembly sought to assure that MA recipients would continue to have access to critical hospital services and that all citizens would have access to emergency department services within the city. Under Article IV-E, funds generated from the Program must be deposited in a restricted account and used by the Department to make "supplemental or increased medical assistance payments for emergency department services to general acute care hospitals . . . and to maintain or increase other medical assistance payments to hospitals within [Philadelphia], as specified in the Commonwealth's approved Title XIX State Plan." 62 P. S. § 804-E.

Consistent with Article IV-E, the Department intends to submit a State Plan Amendment (SPA) to CMS to authorize the emergency department and outpatient access payments to acute care general hospitals in Philadelphia with emergency departments that provide at least 1,000 emergency department services to Pennsylvania MA patients per year. Under the SPA, the Department will distribute the additional payments to qualifying acute care general hospitals based on each qualifying hospital's historical outpatient MA claims. Payments to a qualifying hospital under the State Plan will be limited to the amount permitted by the hospital's OBRA 93 hospital specific limit. The Department is also considering includ-

ing other limits on the payments in the SPA, such as limiting the maximum payment amount to 3% of the hospital's net patient revenue. Hospitals that furnish acute care inpatient services to patients who are predominantly under the age of 18 or hospitals that receive a disproportionate share payment for enhanced access to multiple types of medical care in economically distressed areas of this Commonwealth under the State Plan will not be eligible to receive these additional payments.

These payments are contingent upon CMS' approval of the SPA and the waiver authorizing implementation of Philadelphia hospital assessment in accordance with the Article IV-E.

Fiscal Impact

For Fiscal Year (FY) 2008-2009, the fiscal impact as a result of making these outpatient payments is \$68.400 million in total funds (\$31.108 million in State general funds and \$37.292 million in Federal funds). For Fiscal Year 2009-2010, the fiscal impact as a result of making these outpatient payments is \$136.800 million in total funds (\$61.919 million in State general funds and \$74.881 million in Federal funds).

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 potential revisions to the proposed payment methods and standards described in this notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-577. (1) General Fund; (2) Implementing Year 2008-09 is \$31.108M; (3) 1st Succeeding Year 2009-10 is \$61.919M; 2nd Succeeding Year 2010-11 is \$61.919M; 3rd Succeeding Year 2011-12 is \$61.919M; 4th Succeeding Year 2012-13 is \$61.919M; 5th Succeeding Year 2013-14 is \$61.919M; (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. 08-2354. Filed for public inspection December 26, 2008, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Approved Speed-Timing Devices and Appointment of Maintenance and Calibration Stations

The Department of Transportation (Department), Bureau of Motor Vehicles, under the authority of 75 Pa.C.S. § 3368 (relating to speed timing devices), has approved for use, until the next comprehensive list is published, subject to interim amendment, the following electronic speed-timing devices (radar); electronic speed-timing devices (nonradar), which measure elapsed time between

measured road surface points by using two sensors; and electronic speed timing devices (nonradar), which calculate average speed between any two points.

Under 75 Pa.C.S. § 3368(c)(2), the Department has approved, for use only by members of the State Police, the following electronic speed-timing devices (radar) when used in the stationary mode only:

(1) Falcon Radar (identified on the radar housing as FALCON). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, KS 66215.

(2) Falcon HR—Hand-held model. Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, KS 66215.

(3) H.A.W.K. Traffic Safety Radar System (identified on the radar housing as H.A.W.K.). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, KS 66215.

(4) KR-10, Stationary Radar (identified on the radar housing as KR-10). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, KS 66215.

(5) KR-10, Stationary Radar (identified on the radar housing as KR-10). Manufactured by Kustom Electronics, Incorporated, 8320 Nieman Road, Lenexa, KS 66214.

(6) KR-10SP, Stationary Radar (identified on the radar housing as KR-10SP). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, KS 66215.

(7) KR-10SP, Stationary Radar (identified on the radar housing as KR-10). Manufactured by Kustom Electronics, Incorporated, 8320 Nieman Road, Lenexa, KS 66214.

(8) Pro 1000(DS), Manufactured by Kustom Signals, Incorporated, 1010 West Chestnut, P. O. Box 947, Chanute, KS 66720.

(9) Model 100, Decatur RA-GUN (identified on the radar housing as RA-GUN). Manufactured by Decatur Electronics, Incorporated, 715 Bright Street, Decatur, IL 62522.

(10) Genesis-I. Manufactured by Decatur Electronics, Incorporated, 715 Bright Street, Decatur, IL 62522.

(11) Genesis Handheld (GHS). Manufactured by Decatur Electronics, Incorporated, 715 Bright Street, Decatur, IL 62522.

(12) Genesis GHD Hand-held model. Manufactured by Decatur Electronics, Incorporated, 715 Bright Street, Decatur, IL 62522.

(13) Genesis GVP-D battery operated model. Manufactured by Decatur Electronics, Incorporated, 715 Bright Street, Decatur, IL 62522.

(14) Stalker Dual, Manufactured by Applied Concepts, Incorporated, 730 F Avenue, Suite 200, Plano, TX 75074.

(15) Stalker Dual SL. Manufactured by Applied Concepts, Incorporated, 730 F Avenue, Suite 200, Plano, TX 75074.

(16) Stalker Dual DSR, Manufactured by Applied Concepts, Incorporated, 730 F Avenue, Suite 200, Plano, TX 75074.

(17) TS-3. Manufactured by MPH Industries, Incorporated, 316 East 9th Street, Owensboro, KY 42303.

(18) Vindicator, (VH-1), (Identified on the radar housing as Vindicator). Manufactured by MPH, Incorporated, 316 East 9th Street, Owensboro, KY 42303.

(19) MPH Model K-15. Manufactured by MPH Industries, Incorporated, 316 East 9th Street, Owensboro, KY 42303.

(20) Stalker. Manufactured by Applied Concepts, Incorporated, 730 F Avenue, Suite 200, Plano, TX 75074.

(21) Eagle Plus. Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, KS 66215-3347.

Under 75 Pa.C.S. § 3368(c)(3), the Department has approved, for use by any police officer, the following electronic speed-timing devices (nonradar) which measure elapsed time between measured road surface points by using two sensors:

(1) Electrical Speed Timing System. Manufactured by Richard Hageman, 98 South Penn Dixie Road, Nazareth, PA 18064.

(2) Model TK 100, Excessive Speed Preventor. Manufactured by Systems Innovation, Incorporated, Steam Hollow Road, R. D. 2, Hallstead, PA 18822.

(3) Model TK 100, Excessive Speed Preventor. Manufactured by Targetron, Incorporated, 190 Angletown Road, Muncy, PA 17756.

(4) Speed Chek (identified on the housing as Speed Chek model one, Mfd. for: The Union Agency, Unionville, PA 19375). Manufactured by Sterner Lighting Systems, Incorporated, 351 Lewis Avenue, Winsted, MN 55395.

(5) Model TK 100, Excessive Speed Preventor Infrared. Manufactured by Systems Innovation, Incorporated, Steam Hollow Road, R. D. 2, Hallstead, PA 18822.

(6) Model TK 100, Excessive Speed Preventor Infrared. Manufactured by Targetron, Incorporated, 190 Angletown Road, Muncy, PA 17756.

(7) Enradd, Model EJU-91. Manufactured by Y.I.S., Incorporated, 1049 Hartley Street, Post Office Box 3044, York, PA 17404.

(8) Enradd, Model EJU-91 with Nocontact Road Switch System. Manufactured by Y.I.S., Incorporated, 1049 Hartley Street, Post Office Box 3044, York, PA 17404.

(9) Enradd, Model EJU-91 Wireless System. Manufactured by Y.I.S., Incorporated, 1049 Hartley Street, Post Office Box 3044, York, PA 17404.

Under 75 Pa.C.S. § 3368(c)(1) and (3), the Department has approved the use of electronic and mechanical stopwatches as speed-timing devices for use by any police officer. The Department has approved these speed-timing devices upon submission of a certificate of stopwatch accuracy indicating that a stopwatch has been successfully tested in accordance with the requirements of 67 Pa. Code Chapter 105, Mechanical, Electrical and Electronic Speed-Timing Devices. The Department issues an approved speed-timing device certificate for the device, as required by 67 Pa. Code § 105.72 (relating to equipment approval procedure). The Department does not publish a listing of these approved speed-timing devices because they are approved individually by serial number and police department. Therefore, if a citation is contested, it is necessary for the police department to show both the certificate of stopwatch accuracy, which was issued within 60 days of the citation, and an approved speed-timing device certificate issued by the Department of Transportation, Bureau of Motor Vehicles.

Under 75 Pa.C.S. § 3368(c)(3), the Department has approved, for use by any police officer, the following electronic speed-timing device (nonradar) which calculates average speed between any two points:

(1) VASCAR-plus. Manufactured by Traffic Safety Systems, a division of Power Systems & Controls, Incorporated, 3206 Lanvale Avenue, Richmond, VA 23230.

(2) VASCAR-plus II. Manufactured by Traffic Safety Systems, a division of Power Systems & Controls, Incorporated, 3206 Lanvale Avenue, Richmond, VA 23230.

(3) VASCAR-plus III. Manufactured by Traffic Safety Systems a division of Power Systems & Controls, Incorporated, 3206 Lanvale Avenue, Richmond, VA 23230.

(4) VASCAR-plus IIIc. Manufactured by Traffic Safety Systems a division of Power Systems & Controls, Incorporated, 3206 Lanvale Avenue, Richmond, VA 23230.

(5) V-SPEC-Manufactured by Y.I.S., Incorporated, 1049 Hartley Street, Post Office Box 3044, York, PA 17404.

(6) Tracker by Patco. Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, KS 66215.

The Department, under 75 Pa.C.S. § 3368(d) has appointed the following stations for calibrating and testing speed-timing devices until the next comprehensive list is published, subject to interim amendment.

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following Official Electronic Device Testing Stations for radar devices, which may only be used by members of the State Police:

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969 (Appointed: 12/22/01, Station R8).

Guth Laboratories, Incorporated, 590 North 67th Street, Harrisburg, Dauphin County, PA 17111-4511 (Appointed: 01/27/97, Station R2).

S & D Calibration Services, 29 Prosperity Street, Monongahela, Washington County, PA 15063 (Appointed: 08/15/03, Station R11).

Simco Electronics, 2125 South West 28th Street, Allentown, Lehigh County, PA 18103 (Appointed: 09/19/96, Station R9).

Wisco Calibration Services, Inc., 820 Washington Boulevard, Pittsburgh, Allegheny County, PA 15206 (Appointed: 07/14/99, Station R10).

Y.I.S., Inc., 1049 North Hartley Street, York, York County, PA 17402 (Appointed: 01/14/75, Station R3).

Y.I.S./Cowden Group, Inc., 1049 North Hartley Street, York, York County, PA 17404 (Appointed 8/20/04 Station number R12).

The Department has appointed, under 75 Pa.C.S. § 3368(b), the following Official Speedometer Testing Stations:

Auto Electric & Speedometer Service, 7019 Beaver Dam Road, Levittown, Bucks County, PA 19057 (Appointed: 03/14/74, Station S54).

Briggs-Hagenlocher, 1110 Chestnut Street, Erie, Erie County, PA 16501 (Appointed: 03/25/93, Station S39).

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969—Also authorized to use mobile units (Appointed: 11/25/63, Station S19).

George's Garage, 868 Providence Road, Scranton, Lackawanna County, PA 18508 (Appointed: 04/15/98, Station S8).

K & M Automotive Electric Service, 1004-24th Street, Beaver Falls, Beaver County, PA 15010 (Appointed: 11/13/67, Station S23).

Mahramus Specialty Auto Service, 286 Muse Bishop Road, Canonsburg, Washington County, PA 15317 (Appointed: 01/03/84, Station S7).

Maruti Auto Service, Inc., 4030 New Falls Road, Bristol, Bucks County, PA 19007 (Appointed November 4, 2008 Station S11).

Powl's Speedometer Service, Incorporated, 2340 Dairy Road, Lancaster, Lancaster County, PA 17601—Also authorized to use mobile units (Appointed: 06/09/97, Station S82).

Rabold's Services, 2034 Boas Street, Harrisburg, Dauphin County, PA 17103—Also authorized to use mobile units (Appointed: 06/29/62, Station S67).

S & D Calibration Services, 1963 Route 837, Monongahela, Washington County, PA 15063—Also authorized to use mobile units (Appointed: 03/22/83, Station S35).

Y.I.S./Cowden Group, Inc., 1049 North Hartley Street, York, York County, PA 17404—Also authorized to use mobile units (Appointed 8/20/04, Station S9).

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following Official Electronic Device Testing Stations for nonradar devices, which measure elapsed time between measured road surface points by using two sensors:

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969—Also authorized to use mobile units (Appointed: 04/07/93, Station EL3).

Rabolds Services, 2034 Boas Street, Harrisburg, Dauphin County, PA 17103—Also authorized to use mobile units (Appointed: 02/27/92, Station EL22).

S & D Calibration Services, 29 Prosperity Street, Monongahela, Washington County, PA 15063—Also authorized to use mobile units (Appointed: 03/14/02, Station EL1).

S & D Calibration Services, 115 Joyce Drive, McMurray, Washington County, PA 15317—Also authorized to use mobile units (Appointed: 09/14/82, Station EL11).

Targetron, Incorporated, 190 Angletown Road, Muncy, Lycoming County, PA 17756—Also authorized to use mobile units (Appointed: 05/07/91, Station EL21).

Mahramus Specialty Auto Service, 286 Muse Bishop Road, Cannonsburg, Washington County, PA 15317 (Appointed: 07/31/97, Station EL18).

Y.I.S./Cowden Group, Inc., 1049 North Hartley Street, York, York County, PA 17404—Also authorized to use mobile units (Appointed: 02/20/80, Station EL7).

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following Official Stopwatch Testing Stations:

Beebower, Incorporated, 315 Allegheny Street, Holidaysburg, Blair County, 16648 PA (Appointed: 09/02/77, Station W14).

Cal Tech Labs, 501 Mansfield Avenue, Pittsburgh, Allegheny County, PA 15205 (Appointed 12/22/07, Station W70).

Department of General Services Metrology, 2221 Forster Street, Transportation and Safety Building, Harrisburg, Dauphin County, PA 17120 (Appointed: 03/09/79, Station W18).

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969—Also authorized to use mobile units (Appointed: 10/28/77, Station W29).

Leitzel's Jewelry, 607 East Lincoln Avenue, Myerstown, Lebanon County, PA 17067 (Appointed: 09/01/87, Station W58).

Mountz Jewelers, 1160 Walnut Bottom Road, Carlisle, Cumberland County, PA 17013 (Appointed: 09/21/87, Station W59).

Precision Watch Repair Company, 1015 Chestnut Street, Room 1010, Philadelphia, Philadelphia County, PA 19107 (Appointed: 09/24/80, Station W54).

Rabold's Services, 2034 Boas Street, Harrisburg, Dauphin County, PA 17103—Also authorized to use mobile units (Appointed: 09/15/86, Station W56).

R & R Timing, 203 Shuster Hollow Road, Leechburg, Westmoreland County, PA 15656 (Appointed 6/16/04 Station W10).

S & D Calibration Services, 29 Prosperity Street, Monongahela, Washington County, PA 15063—Also authorized to use mobile units (Appointed: 03/14/02, Station W1).

S & D Calibration Services, 115 Joyce Drive, McMurray, Washington County, PA 15317—Also authorized to use mobile units (Appointed: 10/10/89, Station W61).

Servinsky Jewelers, 610 Second Street, Cresson, Cambria County, PA 16630 (Appointed: 05/18/78, Station W40).

Targetron, Incorporated, 190 Angletown Road, Muncy, Lycoming County, PA 17756—Also authorized to use mobile units (Appointed: 05/07/91, Station W64).

Y.I.S./Cowden Group, Inc., 1049 North Hartley Street, York, York County, PA 17404—Also authorized to use mobile units (Appointed: 08/30/89, Station W60).

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following Official Electronic Device Testing Stations for nonradar devices which calculates average speed between any two points:

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969—Also authorized to use mobile units (Appointed: 02/11/93, Station EM23).

Rabolds Services, 2034 Boas Street, Harrisburg, Dauphin County, PA 17103—Also authorized to use mobile units (Appointed: 02/27/92, Station EM22).

S & D Calibration Services, 29 Prosperity Street, Monongahela, Washington County, PA 15063—Also authorized to use mobile units (Appointed: 03/14/02, Station EM1).

S & D Calibration Services, 115 Joyce Drive, McMurray, Washington County, PA 15317—Also authorized to use mobile units (Appointed: 09/14/82, Station EM6).

Mahramus Specialty Auto Service, 286 Muse Bishop Road, Canonsburg, Washington County, PA 15317 (Appointed: 08/13/97, Station EM12).

Targetron, Incorporated, 190 Angletown Road, Muncy, Lycoming County, PA 17756—Also authorized to use mobile units (Appointed: 05/07/91, Station EM21).

Y.I.S./Cowden Group, Inc., 1049 North Hartley Street, York, York County, PA 17404—Also authorized to use mobile units (Appointed: 12/20/80, Station EM5).

Comments, suggestions or questions may be directed to Elizabeth Threnhauser, Manager, Administrative and Technical Support Section, Vehicle Inspection Division,

Bureau of Motor Vehicles, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104 or (717) 783-5842.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 08-2355. Filed for public inspection December 26, 2008, 9:00 a.m.]

**Finding
Beaver County**

Under section 2002(b) of The Administrative Code of 1929 (71 P.S. § 512(b)), the Director of the Bureau of Design as designated by the Secretary of Transportation makes the following written finding:

The Department of Transportation plans to reconstruct the Herman Road Bridge which carries SR 0588 over Brush Creek in Marion Township, Beaver County. The referenced project involves the use of one known section 2002 resource, namely, Brush Creek Park. The resource is a publicly owned park and is considered a section 2002 resource. The effect of this project on the said section 2002 resource will be mitigated by the measures to minimize harm to the resource outlined in the Categorical Exclusion/section 2002 Evaluation for the subject project.

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed and all reasonable steps have been taken to minimize such effects.

BRIAN G. THOMPSON, P. E.,
*Director
Bureau of Design*

[Pa.B. Doc. No. 08-2356. Filed for public inspection December 26, 2008, 9:00 a.m.]

**Finding
Forest County**

Under section 2002(b) of The Administrative Code of 1929 (71 P.S. § 512(b)), the Director of the Bureau of Design as designated by the Secretary of Transportation makes the following written finding:

The Department of Transportation plans to reconstruct the Lynch Village Bridge which carries SR 1003 over Tionesta Creek in Howe Township, Forest County. The referenced project involves the use of one known section 2002 resource, namely, the Lynch Village Bridge. The resource is a Parker Through-Truss Bridge constructed in 1905 and moved to its current location in 1948, and is considered a section 2002 resource. The effect of this project on the said section 2002 resource will be mitigated by the measures to minimize harm to the resource outlined in the Categorical Exclusion/section 2002 Evaluation for the subject project.

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 have been considered. It has been concluded that there is no feasible and prudent

alternative to the project as designed and all reasonable steps have been taken to minimize such effects.

BRIAN G. THOMPSON, P. E.,
*Director
Bureau of Design*

[Pa.B. Doc. No. 08-2357. Filed for public inspection December 26, 2008, 9:00 a.m.]

HOUSING FINANCE AGENCY

Homeowner's Emergency Mortgage Assistance Program (HEMAP); Interest Rate for HEMAP Loans Closed in 2009

Under section 406-C of the Housing Finance Agency Law (35 P.S. § 1680.406c) the Housing Finance Agency (Agency) is to determine prior to the end of each calendar year, the rate of interest for HEMAP loans closed in the next calendar year, which rate is not to exceed the rate of interest established by the Department of Banking under section 301 of the act of January 30, 1974 (P.L. 13, No. 6), referred to as the Loan Interest and Protection Law, and referred to commonly as the "Usury Law."

The Agency has determined that the rate of interest for HEMAP loans closed during calendar year 2009 shall be 6.5%.

This notice shall take effect immediately

BRIAN A. HUDSON, SR.,
Executive Director

[Pa.B. Doc. No. 08-2358. Filed for public inspection December 26, 2008, 9:00 a.m.]

INSURANCE DEPARTMENT

Keystone Health Plan East; Community Pharmacy Rates; Rate Filing

On December 6, 2008, the Insurance Department (Department) received from Keystone Health Plan East a filing for a rate increase for its Community Pharmacy Rates for its Commercial HMO.

The carrier requests an average 10.8% increase. This will affect about 128,891 contracts and will produce additional income of about \$18,348,000 annually. The requested effective date of the change is April 1, 2009.

Unless formal administrative action is taken prior to March 12, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at www.ins.state.pa.us. To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

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 e-mail comments, suggestions or objections to J. Sabater, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120,

jsabater@state.pa.us, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 08-2359. Filed for public inspection December 26, 2008, 9:00 a.m.]

Liberty Mutual Fire Insurance Company; The First Liberty Insurance Company; Homeowners; Rate Filing

On December 5, 2008, the Insurance Department (Department) received from Liberty Mutual Fire Insurance Company and The First Liberty Insurance Company a filing for a proposed rate change for homeowners insurance.

The companies request an overall 3.10% increase amounting to \$3,494,000 annually, to be effective February 12, 2009, for new business and March 19, 2009, for renewal business.

Unless formal administrative action is taken prior to February 3, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120 within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 08-2360. Filed for public inspection December 26, 2008, 9:00 a.m.]

MILK MARKETING BOARD

Hearing and Presubmission Schedule; Milk Marketing Area No. 1

The Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 1 on February 4, 2009, commencing at 10 a.m. in Room 202 of the Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Area No. 1. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients as of April 2008, and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the third quarters of calendar years 2007 and 2008; consideration of skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; and a reasonable rate of return to milk dealers. In accordance with OGO A-937,

evidence and testimony will be considered regarding the heating fuel adjuster in Area No. 1. In accordance with OGO A-939, evidence and testimony will be considered regarding the diesel fuel cost adjuster in Area No. 1.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered 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 January 8, 2009, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on January 8, 2009, notification of their desire to be included as a party. Parties should indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable.

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 4 p.m. on January 15, 2009, Board Staff shall file with the Board, in person or by mail, one original and eight copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on January 22, 2009, parties 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 January 29, 2009, parties shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents, or records in other proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on January 23, 2009.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

KEITH BIERLY,
Secretary

[Pa.B. Doc. No. 08-2361. Filed for public inspection December 26, 2008, 9:00 a.m.]

Hearing and Presubmission Schedule; Milk Marketing Area No. 2

The Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 2 (Area No. 2) on February 4, 2009, commencing at 10:30 a.m. in Room 202 of the Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Area No. 2. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients as of April 2008, and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the third quarters of calendar years 2007 and 2008; consideration of skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; in-store handling costs; and a reasonable rate of return to milk dealers and stores. In accordance with OGO A-937, evidence and testimony will be considered regarding the heating fuel adjuster in Area No. 2. In accordance with OGO A-939, evidence and testimony will be considered regarding the diesel fuel cost adjuster in Area No. 2.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered 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 January 8, 2009, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on January 8, 2009, notification of their desire to be included as a party. Parties should indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable.

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 4 p.m. on January 15, 2009, Board Staff shall file with the Board, in person or by mail, one original and eight copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on January 22, 2009, parties 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 January 29, 2009, parties shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents, or records in other proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on January 23, 2009.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

KEITH BIERLY,
Secretary

[Pa.B. Doc. No. 08-2362. Filed for public inspection December 26, 2008, 9:00 a.m.]

OFFICE OF THE BUDGET

Statutory Cost of Living Increases for Salaries of State Officials and the Heads of Departments, Boards and Commissions

Section 3(e) of the Public Official Compensation Act, the act of September 30, 1983 (P. L. 160, No. 39) as amended by section 2 of the act of October 19, 1995 (P. L. 324, No. 51) mandates that the salaries of the Governor, Lieutenant Governor, State Treasurer, Auditor General, Attorney General, and the heads of the departments and members of boards and commissions shall be increased by applying the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area for the most recent 12 month period for which figures have been officially reported by the United States Department of Labor, Bureau of Labor Statistics (BLS) immediately prior to the date adjustment is due to take effect.

As required by section 3(e) of the Public Official Compensation Law, the Governor has determined, based on the change in the CPI-U (PA-DE-NJ-MD) over the past 12 months as reported by BLS on November 19, 2008, that the salaries covered by that law shall be increased by 2.8% effective January 1, 2009. The following chart lists the position, the salary prior to the adjustment, the percentage increase of the adjustment and the new salary:

**Cola Adjustment for Elected and Appointed Officials
Receiving Salaries Contained in Act 1995-51**

COLA ADJUSTMENT IS BASED ON THE PERCENT CHANGE IN THE CPI-U FOR PA-DE-NJ-MD, CMSA, FOR THE 12 MONTH PERIOD ENDING OCTOBER 2008

<i>Position</i>	<i>Salary Prior to 1/1/2009</i>	<i>Cola Adjustment</i>	<i>Salary Effective 1/1/2009</i>
Governor	\$170,150	2.8%	\$174,914
Lieutenant Governor	\$142,924	2.8%	\$146,926
State Treasurer	\$141,565	2.8%	\$145,529
Auditor General	\$141,565	2.8%	\$145,529
Attorney General	\$141,565	2.8%	\$145,529
Large Agency Head	\$136,120	2.8%	\$139,931
Secretary of Education			
Secretary of Environmental Protection			
Secretary of Health			
Secretary of Labor and Industry			
Secretary of Public Welfare			
Secretary of Transportation			
Secretary of Corrections			
Medium Agency Head	\$129,313	2.8%	\$132,934
Secretary of Aging			
Secretary of Community and Economic Development			
Secretary of General Services			
Secretary of Revenue			
State Police Commissioner			
Secretary of Conservation and Natural Resources			
Small Agency Head	\$122,509	2.8%	\$125,939
Adjutant General			
Secretary of Agriculture			
Secretary of Banking			
Secretary of the Commonwealth			
Insurance Commissioner			
Liquor Control Board			
Chairperson	\$69,148	2.8%	\$71,084
Member	\$66,424	2.8%	\$68,284
Civil Service Commission****			
Chairperson	\$77,808	2.8%	\$79,987
Member	\$74,815	2.8%	\$76,910
State Tax Equalization Board			
Chairperson	\$23,822	2.8%	\$24,489
Member	\$22,119	2.8%	\$22,738
Milk Marketing Board			
Chairperson	\$22,119	2.8%	\$22,738
Member	\$21,268	2.8%	\$21,864
Securities Commission***			
Chairperson	\$37,217	2.8%	\$38,259
Member	\$33,954	2.8%	\$34,905
Athletic Commission			
Chairperson	\$17,869	2.8%	\$18,369
Member	\$17,014	2.8%	\$17,490
Board of Pardons			
Member	\$15,653	2.8%	\$16,091
Public Utility Commission			
Chairperson	\$131,813	**	\$135,434
Member	\$129,313	2.8%	\$132,934
Environmental Hearing Board*			
Chairperson	\$131,813	*	\$135,434
Member	\$129,313	*	\$132,934
Board of Claims*****			
Chairperson	\$125,671	2.8%	\$129,190
Member	\$119,055	2.8%	\$122,389

* The Environmental Hearing Board (Board) is not listed in Act 1995-51, but separate legislation requires that the Board's members receive the same compensation as the Pennsylvania Public Utility Commission (PUC).

** Act 1995-51 requires that the PUC Chairperson shall receive \$2,500/yr. more than PUC Members.

*** Per Act 1998-51.

**** Per Act 2002-140 effective November 27, 2002.

***** Per Act 2002-118, effective October 2, 2002.

MICHAEL J. MASCH,
Secretary

[Pa.B. Doc. No. 08-2363. Filed for public inspection December 26, 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 January 12, 2009. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

A-2008-2078602. Central Pennsylvania Community Action, Inc. (P. O. Box 792, Clearfield, Clearfield County, PA 16830)—a nonprofit corporation of the Commonwealth—persons in paratransit service, for kidney dialysis services, from points in Clearfield County, and from the Borough of Philipsburg, Centre County, to points in Pennsylvania, and return.

A-2008-2078603. Robert Z. Getz (100 Ricklin Drive, Leola, Lancaster County, PA 17540)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County, to points in Pennsylvania, and return.

A-2008-2078834. PA Paramedics, LLC, t/a Easterncare Medical Services (8839 Torresdale Avenue, Philadelphia, Philadelphia County, PA 19136), for the right to begin to transport persons, in paratransit service, from points in the Counties of Bucks, Chester, Delaware, Montgomery and Philadelphia, to points in Pennsylvania, and return.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-2364. Filed for public inspection December 26, 2008, 9:00 a.m.]

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

Hearing Scheduled

A hearing has been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of claimants' requests concerning the indicated accounts.

The hearing will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

January 14, 2009 Ann Marie McAuliffe 1 p.m.
(Change of Option)

Persons with a disability, who wish to attend the previously-listed hearing, and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Barb Fluire, Assistant to the Executive Director at (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties 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 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure), unless specific exemption is granted.

JEFFREY B. CLAY,
Executive Director

[Pa.B. Doc. No. 08-2365. Filed for public inspection December 26, 2008, 9:00 a.m.]

THADDEUS STEVENS COLLEGE OF TECHNOLOGY

Request for Bids

The Thaddeus Stevens College of Technology is soliciting bids for Bid No. 08-0004 for food service operations provided at the college for the period July 1, 2009—June 30, 2010. Bid documents can be obtained from Nancy Froeschle, Thaddeus Stevens College of Technology, 750

East King Street, Lancaster, PA 17602, (717) 299-7787, fax (717) 391-3557 or froeschle@stevenscollege.edu until January 14, 2009.

DR. WILLIAM E. GRISCOM,
President

[Pa.B. Doc. No. 08-2366. Filed for public inspection December 26, 2008, 9:00 a.m.]

Request for Bids

The Thaddeus Stevens College of Technology is soliciting bids for Bid No. 08-0005 for Mechanical Maintenance Service. This would be to service all HVAC equipment as needed to support facilities staff. Emergency call in nights and weekends. Repair, rebuild and replace as needed to keep facilities running. The period covered would be July 1, 2009—June 30, 2010. Bid documents can be obtained from Nancy Froeschle, Thaddeus Stevens College of Technology, 750 East King Street, Lancaster, PA 17602, (717) 299-7787, fax (717) 391-3557 or froeschle@stevenscollege.edu until January 14, 2009.

DR. WILLIAM E. GRISCOM,
President

[Pa.B. Doc. No. 08-2367. Filed for public inspection December 26, 2008, 9:00 a.m.]
