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# PENNSYLVANIA BULLETIN

Volume 38

Number 29

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Pages 3887—3960

## Agencies in this issue

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The Courts

Department of Environmental Protection

Department of Health

Department of Public Welfare

Department of Revenue

Department of Transportation

Independent Regulatory Review Commission

Insurance Department

Legislative Reference Bureau

Office of Attorney General

Pennsylvania Public Utility Commission

State Board of Cosmetology

State Board of Education

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

**No. 404, July 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 GENERAL ASSEMBLY

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

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

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
<b>2008 APPROPRIATION ACTS OF REGULAR SESSION ENACTED—ACT 001A through 006A</b>					
001A	Jul 1	SB1344	PN1900	July 1, 2008	State Employees' Retirement Board—administrative expenses, and the like
002A	Jul 1	SB1345	PN1901	July 1, 2008	Public School Employees' Retirement Board—administrative expenses, and the like
003A	Jul 1	SB1346	PN1902	July 1, 2008	Bureau of Professional and Occupational Affairs—operation of professional licensure boards
004A	Jul 1	SB1347	PN1903	July 1, 2008	Department of Labor and Industry and Department of Community and Economic Development—workers' compensation, occupational diseases and Office of Small Business Advocate
005A	Jul 1	SB1349	PN1905	July 1, 2008	Office of Consumer Advocate—operation
006A	Jul 1	SB1351	PN1906	July 1, 2008	Office of Small Business Advocate—operation

\* denotes an effective date with exceptions

### Effective Dates of Statutes

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

### Advance Copies of Statutes

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

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

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

[Pa.B. Doc. No. 08-1316. Filed for public inspection July 18, 2008, 9:00 a.m.]

# THE COURTS

## Title 249—PHILADELPHIA COUNTY

### PHILADELPHIA RULES

#### Commerce Case Management Program; Trial Division Administrative Doc. 02 of 2003

And Now, this 25th day of June, 2008, it is hereby Ordered and Decreed that:

(1) Effective July 1, 2008, Section E.1. of Trial Division Administrative Docket No. 02 of 2003 is amended to read as follows:

#### *E. Commerce Program Judges Pro Tempore and Alternative Dispute Resolution*

There shall be established in the Commerce Program, an Alternative Dispute Resolution program for Commerce Program actions, which may include, but is not limited to, mediation and the assistance of Commerce Program *Judges Pro Tempore*.

**1. Panel of Commerce Program Judges Pro Tempore.** The Administrative Judge or designee shall designate a panel of Commerce Program *Judges Pro Tempore* from among volunteers nominated by the Philadelphia Bar Association Business Law Section, Business Litigation Committee ("Committee") and/or the Court, and recommended by the Committee. In order to qualify as a Commerce Program *Judge Pro Tempore*, one must be a licensed Pennsylvania attorney with no less than 15 years of experience in litigation or alternate dispute resolution (ADR), including a practice focused on the types of disputes described in section B.1. previously (Cases Subject to Commerce Program), and shall have participated in a minimum of 10 hours of ADR training by a court-sponsored provider or certified CLE provider, or shall have participated as a neutral, *Judge Pro Tempore*, or mediator in a minimum of 3 ADR proceedings, including but not limited to mediations, settlement conferences and private arbitrations, involving the types of disputes described in section B.1. previously, prior to approval as a *Judge Pro Tempore*. Any Commerce Program *Judge Pro Tempore* as of June 30, 2008, shall have 18 months to meet these qualification standards.

Commerce Program *Judges Pro Tempore* shall serve without charge for up to 3 hours for each case, exclusive of preparation time before a settlement conference or initial mediation session. The preparation time likewise will not be compensable. After the *Judge Pro Tempore* has devoted 3 hours of service free of charge to the assigned case, and upon agreement of the participating parties to continue the mediation or settlement conference beyond those 3 hours, the *Judge Pro Tempore* shall be compensated at the rate of \$300 per hour (or at such higher rate

as the Administrative Judge or designee shall set hereafter) for further work on the case. Unless otherwise agreed to by the participating parties, or upon further order of the Court, the obligation to compensate the *Judge Pro Tempore* shall be borne equally among the parties. *Judges Pro Tempore* shall promptly invoice the parties for services and reasonable expenses for which they are entitled to be compensated.

Persons may be added to or removed from the panel as the Administrative Judge or designee may determine consistent with the qualifications previously. The Court may order a Commerce Program case to be assigned for Settlement Conference to a Commerce Program *Judge Pro Tempore* who shall, on a date certain, hold a Settlement Conference which must be attended by appropriate counsel representing the parties, as well as any unrepresented parties. Counsel and unrepresented parties shall provide to the Commerce Program *Judge Pro Tempore* prior to the Settlement Conference a fully completed Settlement Memorandum, in a form to be established by the Commerce Program Judges. The Commerce Program *Judge Pro Tempore* on such a referral is not authorized to rule on any motions, but will attempt to facilitate a settlement between the parties.

(2) All other provisions of Trial Division Administrative Docket No. 02 of 2003 remain in full force and effect.

This Administrative Order is promulgated in accordance with the April 11, 1986, Order of the Supreme Court of Pennsylvania, Eastern District, No. 55 Judicial Administration, Docket No. 1, Philadelphia Civil Rule \* 51 and Pa.R.Civ.P. No. 239 and shall become effective on July 1, 2008. As required by Pa.R.Civ.P. No. 239, the original Administrative Order shall be filed with the Prothonotary in a docket maintained for Administrative Orders issued by the Administrative Judge of the Trial Division, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Supreme Court Civil Procedural Rules Committee. Copies of the Administrative Order shall also be submitted to *American Lawyer Media*, *The Legal Inteligencer*, Jenkins Memorial Law Library and the Law Library for the First Judicial District of Pennsylvania, and shall be posted on the web site of the First Judicial District at: courts.phila.gov.

*By the Court*

HONORABLE D. WEBSTER KEOGH,  
*Administrative Judge, Trial Division*

[Pa.B. Doc. No. 08-1317. Filed for public inspection July 18, 2008, 9:00 a.m.]

# NOTICES

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

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

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

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

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

#### **I. NPDES Renewal Applications**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA-0052132 (Minor Sewage)	Parkland School District 2219 North Cedar Crest Boulevard Allentown, PA 18104	South Whitehall Township Lehigh County	Jordan Creek 2C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0080748 (Sew)	Northern Lebanon County Authority P. O. Box 434 Jonestown, PA 17038-0434	Lebanon County Union Township	Swatara Creek 7-D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0028941	Evans City Borough 204b South Jackson Street Evans City, PA 16033	Jackson Township Butler County	Breakneck Creek 16-C	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.*

**PA0012629 A1**, Industrial Waste, SIC 2911, **Sunoco, Inc. (R & M)**, 3144 Passyunk Avenue, Philadelphia, PA 19145. This proposed facility is located in the City of Philadelphia, **Philadelphia County**.

Description of Proposed Activity: The application is for the amendment of an NPDES permit to replace Chem Treat chemical additives with Baker Petrolite chemical additives. These chemical additives are used in cooling tower, boiler and wastewater treatment processes. The amendment also includes monitoring and Pollution Minimization Plan of Polychlorinated Biphenyls (PCBs), based on the Delaware Estuary Total Maximum Daily Load for PCBs.

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

**PA0053147**, Sewage, **Upper Saucon Sewage Treatment Authority**, 5500 Camp Meeting Road, Center Valley, PA 18034-9444. This existing facility is located in Upper Saucon Township, **Lehigh County**.

Description of Proposed Activity: Renewal of a major NPDES permit to discharge treated sewage.

The receiving stream, Saucon Creek, is in the State Water Plan Watershed 02C and is classified for: aquatic life, CWF, water supply and recreation. The nearest downstream public water supply intake for Keystone Water Company is located on the Delaware River and is 50 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 2.5 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>				
(5-1 to 10-31)	10.0	15.0		20.0
(11-1 to 4-30)	20.0	30.0		40.0
Total Suspended Solids	30.0	45.0		60.0
NH <sub>3</sub> -N				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Phosphorus as "P"	Monitor and Report			
Dissolved Oxygen	A minimum of 5.0 mg/l at all times.			
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
pH	6.0 to 9.0 Standard Units at all times.			
Total Copper				
(Months 1—36)	Monitor and Report		Monitor and Report	
(Months 37—60)	0.017		0.026	
Total Zinc				
(Months 1—36)	Monitor and Report		Monitor and Report	
(Months 37—60)	0.115		0.179	
				0.230

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

1. Whole Effluent Toxicity (WET) Monitoring, WET testing within final 18 months of permit, Toxics Reduction Evaluation.

The EPA waiver is not in effect.

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

**Application No. PA 0080322**, Industrial Waste, SIC Code Industrial Waste, **Greater Lebanon Refuse Authority**, 1610 Russell Road, Lebanon, PA 17046-1437. This facility is located in, **Lebanon County**.

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

The receiving stream, UNT Swatara Creek, is in Watershed 7-D, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Pa. American Water Company located on the Swatara Creek, approximately 20 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.144 mgd are:

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	XXX	XXX	20	40	50
Total Suspended Solids	XXX	XXX	30	60	75
Total Phosphorus	XXX	XXX	2.0	4.0	5.0
Dissolved Oxygen			Minimum of 5 at all times		
pH			Range of 6 to 9 S.U.		
NH <sub>3</sub> -N					
(5-1 to 9-30)	XXX	XXX	2.5	5.0	6.2
(10-1 to 4-30)	XXX	XXX	7.5	15.0	22.5
Total Aluminum	XXX	XXX	3.5	7.0	8.7
Total Manganese	XXX	XX	1.2	2.4	3.0
Total Iron	XXX	XXX	1.87	3.74	4.67

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

\* Monitoring is required semiannually for Outfalls 002—004 which receives stormwater runoff.

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

The EPA waiver is in effect.

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

**PA0025968**, Sewage, **Municipal Water Authority of Aliquippa**, 160 Hopewell Avenue, Aliquippa, PA 15001. This application is for renewal of an NPDES permit to discharge treated sewage from Aliquippa STP in City of Aliquippa, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Ohio River, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the NOVA Chemicals Co. on the Ohio River.

*Outfall 001: existing discharge, design flow of 3.4 mgd.*

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25	38		50
Suspended Solids	30	45		60
Fecal Coliform				
(5-1 to 10-31)	200/100 ml as a Geometric Mean			
(11-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	1.0			3.3
pH	not less than 6.0 nor greater than 9.0			

Outfall 101, which discharges to the receiving waters known as Ohio River by means of Outfall 001, serves as a stormwater discharge from areas in and around the treatment plant. This stormwater discharge shall meet the requirements in the NPDES permit, Part C—Requirements Applicable to Stormwater Outfalls.

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

The EPA waiver is not in effect.

**PA0096113**, Sewage, **McGuffey School District**, 90 McGuffey Drive, Claysville, PA 15323. This application is for renewal of an NPDES permit to discharge treated sewage from Middle and Senior High Schools STP in Buffalo Township, **Washington County**.

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

*Outfall 001*: existing discharge, design flow of 0.024 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	25			50
Ammonia Nitrogen (5-1 to 10-31)	4.0			8.0
(11-1 to 4-30)	12.0			24.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0096342**, Sewage, **Fairchance-Georges Joint Municipal Sewage Authority**, 141 Big Six Road, Smithfield, PA 15478. This application is for renewal of an NPDES permit to discharge treated sewage from Fairchance-Georges STP in Georges Township, **Fayette County**.

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

*Outfall 001*: existing discharge, design flow of 0.75 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub> (5-1 to 10-31)	15	23		30
(11-1 to 4-30)	25	38		50
Suspended Solids	25	38		50
Ammonia Nitrogen (5-1 to 10-31)	2.0	3.0		4.0
(11-1 to 4-30)	4.5	6.8		9.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0205559**, Sewage, **Crystal Waters Personal Care Facility**, 4639 Route 119, Home, PA 15747. This application is for renewal of an NPDES permit to discharge treated sewage from Crystal Waters Personal Care Facility STP in Rayne Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Pine Run, which are classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Cadogen Township Water Works.

*Outfall 001*: existing discharge, design flow of 0.0029 mgd.

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

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Fecal Coliform (5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0096121**, Sewage, **Joe Walker Elementary School**, 90 McGuffey Drive, Claysville, PA 15323. This application is for renewal of an NPDES permit to discharge treated sewage from Joe Walker Elementary School in South Franklin Township, **Washington County**.

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

*Outfall 001*: existing discharge, design flow of 0.0045 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	10			20
Suspended Solids	25			50
Ammonia Nitrogen (5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	0.1			0.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

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

**WQM Permit No. 2808405**, Sewerage, **Richard I. and Angel M. Wenger**, P. O. Box 175, Shade Gap, PA 17255. This proposed facility is located in Fannett Township, **Franklin County**.

Description of Proposed Action/Activity: Construction/Operation of a small flow treatment system to serve their single-family residence at Lot 16 Panoramic Homesteads.

**WQM Permit No. 2208407**, Sewerage, **Swatara Township Authority**, 8675 Paxton Street, Hummelstown, PA 17036-8673. This proposed facility is located in Swatara Township, **Dauphin County**.

Description of Proposed Action/Activity: Upgrades/Modifications to the existing 6.3 mgd plant with new physical, chemical and biological treatment process to meet nutrient removal requirements. The plant's hydraulic and organic capabilities will not be changed as a consequence of this upgrade. In addition, the solids handling process will be upgraded to achieve Class A biosolids.

**WQM Permit No. 0708201**, CAFO, **Rodney L. Metzler, Pleasant View Farms, Inc.**, R. D. 1, Box 124, Martinsburg, PA 16662. This proposed facility is located in North Woodbury Township, **Blair County**.

Description of Proposed Action/Activity: Seeking approval for the construction of a 70' by 16' by 6' manure storage facility.

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

**WQM Permit No. 1708403**, Sewerage, SIC 4952, **Karthus-Burnside Joint Sewer Authority**, P. O. Box 97, Karthus, PA 16845. The proposed facilities are located in Karthus Township, **Clearfield County** and Burnside Township, **Centre County**.

Description of Proposed Action/Activity: The applicant proposes a wastewater treatment facility and sewage collection/conveyance system serving Karthus Township, Clearfield County and Burnside Township, Centre County. The proposed system will discharge 0.115 mgd of treated sewage effluent to the West Branch Susquehanna River.



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

**WQM Permit No. 466S91-A1**, Sewerage, **Garrett Borough**, 307 Municipal Road, P. O. Box 218, Garrett, PA 15542. This existing facility is located in Garrett Borough, **Somerset County**.

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

**WQM Permit No. 0408402**, Sewerage, **Maronda Homes, Inc.**, 202 Park West Drive, Pittsburgh, PA. The proposed facility is located in Hopewell Township, **Beaver County**.

Description of Proposed Action/Activity: Application for the construction and operation of a pump station to serve Clairmont Manor.

**WQM Permit No. 0206401-A1**, Sewerage, **Borough of Emsworth**, 171 Center Avenue, Pittsburgh, PA 15202. This existing facility is located in Emsworth Borough, **Allegheny County**.

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

**WQM Permit No. 3279406-A7**, Sewerage, **Indiana Borough**, Indiana, PA. This existing facility is located in Indiana Borough, **Indiana County**.

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

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

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

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

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

*Monroe County Conservation District: 8050 Running Valley Road, Stroudsburg, PA 18360, (570) 629-3060.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10S009R(2)	Resorts USA, Inc. P. O. Box 447 Bushkill, PA 18324	Monroe	Middle Smithfield Township	Bush Kill HQ-TSF Sand Hill Creek HQ-CWF

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

*Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041403006R	Richard Kalin Stearns Boal, LP Antioch Church 100 North Patterson Street State College, PA 16803	Centre	College Township	Spring Creek HQ-CWF

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

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

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### **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**

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

**Permit No. 0208511, Public Water Supply.**

**Applicant** **Municipal Authority of Westmoreland County**  
124 Park and Pool Road  
New Stanton, PA 15672

**Township or Borough** City of McKeesport

**Responsible Official** John Ashton  
Operations Manager-Production  
Municipal Authority of Westmoreland County  
124 Park and Pool Road  
New Stanton, PA 15672

**Type of Facility** McKeesport Water treatment plant

**Consulting Engineer** KLH Engineers, Inc.  
5173 Campbells Run Road  
Pittsburgh, PA 15205

**Application Received Date** May 14, 2008

**Description of Action** Addition of a polymer feed system to aid in coagulation.

**MINOR AMENDMENT**

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

**Application No. 3540054, Minor Amendment, Public Water Supply.**

**Applicant** **Schuylkill County Municipal Authority**  
West Brunswick Township  
**Schuylkill County**

**Responsible Official** David Holly, General Manager  
Schuylkill County Municipal Authority  
221 South Centre Street  
Pottsville, PA 17901

**Type of Facility** PWS

**Consulting Engineer** Patrick M. Caulfield, P. E.  
Schuylkill County Municipal Authority  
221 South Centre Street  
Pottsville, PA 17901

**Application Received Date** June 23, 2008

**Description of Action** Transfer of PWS Permit No. 3540054 originally issued to the Pine Brook Development on August 16, 1993, to the Schuylkill County Municipal Authority.

**Application No. 2450045, Minor Amendment, Public Water Supply.**

**Applicant** **Pennsylvania American Water**  
Middle Smithfield Township  
**Monroe County**

**Responsible Official** Paul A. Zielinski  
Pennsylvania American Water  
800 West Hersheypark Drive  
Hershey, PA 17033

**Type of Facility** PWS

**Consulting Engineer** N/A

**Application Received Date** June 12, 2008

**Description of Action** Transfer of PWS Permit No. 2450045 originally issued to the Mountain Top Property Owner's Association on June 27, 1997, to Pennsylvania American Water.

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

**Application No. 0208510MA, Minor Amendment.**

**Applicant** **Pennsylvania American Water Company**  
800 West Hersheypark Drive  
P. O. Box 888  
Hershey, PA 17033

**Township or Borough** Union Township

**Responsible Official** Scott Thomas  
Pennsylvania American Water Company  
800 West Hersheypark Drive  
P. O. Box 888  
Hershey, PA 17033

**Type of Facility** Aldrich washwater tank No. 1

**Consulting Engineer**

**Application Received Date** June 18, 2008

**Description of Action** Blasting and painting of the exterior and interior touch-up of the 925,000 gallon ground storage tank known as the Aldrich WashWater Tank No. 1.

**Application No. 6508501MA, Minor Amendment.**

**Applicant** **Municipal Authority of Westmoreland County**  
124 Park and Pool Road  
New Stanton, PA 15672

**Township or Borough** Bell and Washington Townships  
Oklahoma Borough

Responsible Official	John Ashton Operations Manager-Production Municipal Authority of Westmoreland County 124 Park and Pool Road New Stanton, PA 15672
Type of Facility	Water treatment plant
Consulting Engineer	The EADS Group, Inc. 450 Aberdeen Drive Somerset, PA 15501
Application Received Date	July 8, 2008
Description of Action	Construction of 20 inch and 12 inch diameter waterlines.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 1

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

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

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

public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

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

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

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

**Cynwyd Trail**, Lower Merion Township, **Montgomery County**. William Schmidt, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104 on behalf of Christopher Leswing, Lower Merion Township, 75 East Lancaster Avenue, Ardmore, PA 19003 has submitted a Notice of Intent to Remediate. Groundwater and soil at the site has been impacted with the release of inorganics. The future use of the site will remain the same. A summary of the Notice to Intent or Remediate was reported to have been published in the *Times Herald* on May 23, 2008.

**Penn Fishing Reel MFG Company**, City of Philadelphia, **Philadelphia County**. Andrew Bonas, ENVIRON International Corporation, 214 Carnegie Center, Princeton, NJ 08540 on behalf of David Shank, Penn Fishing Tackle Manufacturing Company, 3028 West Hunting Park Avenue, Philadelphia, PA 19132 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of chlorinated solvents. The future use of the site will remain the same.

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

**49 West Chestnut Street Property**, City of Lancaster, **Lancaster County**. Environmental Standards, Inc., P. O. Box 810, Valley Forge, PA 19482, on behalf of City of Lancaster, P. O. Box 1599, 120 North Duke Street, PA 17608, submitted a Notice of Intent to Remediate groundwater contaminated with leaded gasoline. The site will be remediated to a combination of Residential Statewide Health and Site-Specific Standards. The property may be used for a combination of urban residential and nonresidential purposes.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

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

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

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

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

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office identified before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984. Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121–143, the Federal Clean Air Act (act) and regulations adopted under the act.

#### PLAN APPROVALS

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

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

**54-313-088: Air Products & Chemical, Inc.** (357 Marian Avenue, Tamaqua, PA 18252) for construction of a fluorine chemical operation with scrubbers at their facility in Rush Township, **Schuylkill County**.

**48-399-058: Crayola, LLC** (1100 Church Lane, Easton, PA 18044) for modification to their existing baghouses to exhaust outside at their facility in Forks Township, **Northampton County**.

**40-328-006: UGI Development Co.** (1 Meridian Boulevard, Suite 2C01, Wyomissing, PA 19610) for installation of a combined cycle power plant at their facility in Hunlock Township, **Luzerne County**.

**54-322-008: UGI-CES Generating Station** (1 Meridian Boulevard, Suite 2C01, Wyomissing, PA 19610) for installation of a new landfill gas flare at their facility in Foster Township, **Schuylkill County**.

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

**06-03141: UGI LNG, Inc.** (1 Meridian Boulevard, Suite 2C01, Wyomissing, PA 19610) to install three new vapor-

izers at their Temple site (5665 Leesport Road, Reading, PA 19605) in Ontelaunee Township, **Berks County**.

**36-05153A: Richard E. Pierson Construction Company, Inc.** (P. O. Box 430, 1455 Old Waynesboro Road, Woodstown, NJ 08098-0430) for replacement of the existing crushers, screens, conveyors and other associated equipment at the existing Rheems Stone Quarry in West Donegal Township, **Lancaster County**. These sources will be controlled by the use of water spray suppression.

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

**10-001N: AK Steel Corp.—Butler Plant** (Main Street/Standard Avenue, Butler, PA 16003) for modification of the No. 26 Carlite unit (increasing line speed and installation of low NOx burners) in Butler City, **Butler County**. This is a Title V facility.

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

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

**23-0029E: The Boeing Co.—Integrated Defense Systems—Rotorcraft** (P. O. Box 16858, Philadelphia, PA 19142) for installation of an aerospace paint spray booth in Building 3-12 at the Boeing aircraft production plant in Ridley Township, **Delaware County**. This facility is a major facility. Emissions of VOCs and organic HAPs will be controlled by use of compliant coatings, under 40 CFR Part 63, Subpart GG and 25 Pa. Code § 129.73. Emissions of PM10/PM2.5 and inorganic HAP from paint overspray will be controlled by a three-stage dry filter, certified 40 CFR Part 63, Subpart GG compliant. With the installation of the new paint booth, combined emissions for the two paint booths in Building 3-12 will be: 3.6 tpy VOC, 0.031 tpy PM10/PM2.5 and 1.6 tpy HAP. 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.

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

**38-03055A: Always Bagels, Inc.** (10 Keyland Court, New York, NY 11716) for installing a bagel bakery in Lebanon Rails Business Park in North Lebanon Township, **Lebanon County**. The proposed location is in Lebanon County at 1234 Hanford Drive, Cleona, PA 17042. The facility will require a State-only air quality permit. The plan approval will include monitoring, work practices, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**55-00020A: Meckley's Limestone Products, Inc.** (R. R. 1, Box 1682, Herndon, PA 17830-9799) has submitted an application (55-00020A) to the Department of Environmental Protection (Department) for plan approval to modify the existing aggregate dryer to fire reclaimed/

reprocessed oil in addition to No. 2 fuel oil and construct a 20,000 gallon vertical aboveground storage tank at their facility located in Franklin Township, **Snyder County**.

The Department's review of the information submitted by Meckley's Limestone Products, Inc. indicates that the proposed modification and construction will meet all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants, including the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12. The proposed modification will also meet all applicable requirements of Subpart I of the New Source Performance Standards, 40 CFR 60.90 through 60.93. Based on these findings, the Department intends to approve the application and issue plan approval for modification of the existing aggregate dryer to fire reclaimed/reprocessed oil in addition to No. 2 fuel oil and construction of 20,000 gallon vertical aboveground storage. Additionally, if the Department determines that the modification of the aggregate dryer and the construction of the 20,000 gallon tank are operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into the State-only operating permit 55-00020 by means of an administrative amendment under 25 Pa. Code § 127.450. This facility is a State-only facility.

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

1. Compliance with the requirement specified in this streamlined permit condition assures compliance with the provisions in 25 Pa. Code § 123.13 and 40 CFR Part 60, Subpart I.

Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, no person shall permit the emissions of PM into the outdoor atmosphere from the exhaust of ID C102B associated with Source ID P102, in a manner that the concentration of PM in the effluent gas exceeds 0.02 grain per dry standard cubic foot.

2. No person shall permit the emissions of SO<sub>x</sub>, expressed as SO<sub>2</sub>, into the outdoor atmosphere from Source ID P102 in a manner that the concentration of the SO<sub>x</sub> in the effluent gas exceeds 500 parts per million, by volume, dry basis.

3. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the aggregate dryer associated with P102 shall be fired only on virgin No. 2 fuel oil or reclaimed/reprocessed oil.

4. Additional authority for this permit condition is derived from the permittee requesting the following throughput limitation.

Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the amount of fuel used in the aggregate dryer associated with Source ID P102 shall not exceed 286,000 gallons in any 12-consecutive month period.

5. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the amount of fuel used in Source ID 031 shall not exceed 64,000 gallons in any 12-consecutive month period.

6. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the reclaimed/reprocessed oil fired in the aggregate dryer associated with P102 shall not contain contaminants in excess or equal to the following limitations:

- a) Arsenic—5 ppmw
- b) Cadmium—2 ppmw
- c) Chromium—10 ppmw
- d) Lead—100 ppmw
- e) Total Halogens—1,000 ppmw
- f) Polychlorinated biphenyls (PCBs) not detectable\* (N.D.). \*PCBs shall not be present in a quantifiable level, defined in 40 CFR 761.1 as 2 micrograms per gram for any resolvable gas chromatographic peak, that is, <2 ppmw.
- g) Sulfur—0.5%
- h) Ash—1.0%

Additionally the flash point of reclaimed/reprocessed oil shall be greater than 100° F.

7. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall use the following analytical techniques and test methods in determining compliance with the fuel limitations of reclaimed/reprocessed oil used in the aggregate dryer associated Source ID P102:

- a) Arsenic—EPA Method 3051, 6010, 6020 or 7000 Series
- b) Cadmium—EPA Method 6010, 6020 or 7000 Series
- c) Chromium—EPA Method 6010 or 7000 Series
- d) Lead—EPA Method 6010 or 7000 series
- e) Total Halogens—EPA Method 9075, 9076 or 9077
- f) PCBs—EPA Method 8082
- g) Flash point—EPA Method 1010 or ASTM D93-80
- h) Sulfur—ASTM D3227, D1552, D4294 or D129
- i) Ash—ASTM D482

All ASTM testing methods referenced previously shall be the most recent revision to the respective methods.

8. A sample of each load of reclaimed/reprocessed oil delivered to the facility shall be taken at the time of delivery using a sampling technique capable of achieving a representative composite sample of the entire load. The samples are to be sealed and identified as to the identity of the supplier, date of delivery, delivery invoice number, quantity delivered, and the like.

Sampling and analyzing techniques for tanks and tractor trailer wagons shall be in accordance with the current edition of Environmental Protection Agency (EPA) publication SW-846 or comparable ASTM methods.

Each sample shall be kept for a minimum of 1 year for random selection and analysis by the Department.

No load of reclaimed/reprocessed oil shall be accepted for which analytical results are unavailable or for which the analytical results show noncompliance with any limitation specified for Source ID P102 in this permit.

9. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall test every shipment of reclaimed/reprocessed oil received for use in Source ID P101 upon receipt to determine the total halogen (TX) content using EPA Reference Method 9077, or an alternate reference test method if so decided by the Department. If the test of any shipment reveals total halogens in excess of 1,000 parts per million (by weight), the permittee shall refuse to accept the shipment.

10. The permittee shall perform a complete analysis to determine the arsenic, cadmium, chromium, lead, TX,

polychlorinated biphenyl (PCB), sulfur content, ash content and the flash point, using the reference test methods specified in Section D for Source ID P102, for at least 1 out of every 15 shipments of reclaimed/reprocessed oil received. In each case, the analysis shall be completed within 15 days after receipt of the respective shipment. If the analysis results on such fuel are not received within 15 days of the date of delivery of the relevant shipment, the permittee shall cease using the reclaimed/reprocessed fuel from the tanks in which the relevant shipment was placed until compliance with the limits is verified in the laboratory results. The permittee shall immediately report to the Department the results of any analyses which show a shipment of reclaimed/reprocessed oil to be out of compliance with the limitations specified in the permit for Source ID P102. The permittee shall immediately stop using the reclaimed/reprocessed oil that is out of compliance with the limitations specified in the permit for Source ID P102.

11. The permittee shall keep records of the following:

a) The type of fuel used in rotary dryer of Source ID P102 on a daily basis.

b) The amount of fuel used in the rotary of Source ID P102 on a daily basis.

c) The delivery date, quantity (gallons), identity of supplier and delivery invoice number of each shipment of reclaimed/reprocessed oil delivered to the site for use in Source ID P102, as well as a certified fuel analysis report for each shipment which identifies the arsenic, cadmium, chromium, lead, TX, PCB, sulfur content and the flash point in degrees Fahrenheit.

d) The results of all analyses performed on reclaimed/reprocessed oil delivered to the plant, the identity of the specific shipment of reclaimed/reprocessed oil represented by each such analysis or set of analyses, the name of the individuals and/or company who performed each such analysis or set of analyses and the identity of the analytical techniques and methods used to perform each such analysis or set of analyses.

e) The test analyses or fuel oil certifications to verify the sulfur content, by weight, of virgin No. 2 fuel oil and reclaimed/reprocessed oil used in the rotary stone dryer burner of Source ID P102.

f) The test analyses or fuel oil certifications to verify the ash content, by weight, of the reclaimed/reprocessed oil used in the rotary stone dryer burner of Source ID P102.

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

12. The permittee shall keep record of the vapor pressure of the reclaimed/reprocessed oil stored in Source ID P101A.

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

13. The permittee shall submit the following report on an annual basis:

a) The type of fuel used in rotary dryer of Source ID P102 on a daily basis.

b) The amount of fuel used in the rotary of Source ID P102 on a daily basis.

c) The delivery date, quantity (gallons), identity of supplier and delivery invoice number of each shipment of reclaimed/reprocessed oil delivered to the site for use in Source ID P102, as well as a certified fuel analysis report

for each shipment which identifies the arsenic, cadmium, chromium, lead, TX, PCB, sulfur content and the flash point in degrees Fahrenheit.

d) The results of all analyses performed on reclaimed/reprocessed oil delivered to the plant, the identity of the specific shipment of reclaimed/reprocessed oil represented by each such analysis or set of analyses, the name of the individuals and/or company who performed each such analysis or set of analyses and the identity of the analytical techniques and methods used to perform each such analysis or set of analyses.

e) The test analyses or fuel oil certifications to verify the sulfur content, by weight, of virgin no. 2 fuel oil and reclaimed/reprocessed oil used in the rotary stone dryer burner of Source ID P102.

f) The test analyses or fuel oil certifications to verify the ash content, by weight, of the reclaimed/reprocessed oil used in the rotary stone dryer burner of Source ID P102.

The annual report shall be submitted for the period from January 1 through December 31 of the previous year no later than March 1 of the following year.

14. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, No load of reclaimed/reprocessed oil shall be accepted for which the quantity of the contaminants are unknown for the respective fuel, or which fail to meet the contaminants contents limitations as specified in the permit.

15. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID P102 shall not be used to produce asbestos-containing asphalt material.

16. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID P102 shall not be used to decontaminate or otherwise treat soil or any other material which has been contaminated with gasoline, fuel oil or any other substance.

17. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID P102 shall not be used to process recycled asphalt pavement at any time.

18. The conditions contained in State-only operating permit No. 55-00020 remain in effect unless superseded or amended by conditions contained herein. If there is a conflict between a condition contained in this plan approval and a condition contained in State-only operating permit No. 55-00020, the permittee shall comply with the condition contained in this plan approval rather than the conflicting condition or requirement contained in State-only operating permit No. 55-00020.

19. Source ID P102 is subject to 40 CFR Part 60, Subpart I. The permittee shall comply with all applicable requirements of 40 CFR 60.90—60.93.

20. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not store any reclaimed/reprocessed oil with a vapor pressure greater than 1.5 psia (10 kilopascals) under actual storage conditions in Source ID P101A.

21. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall only store reclaimed/reprocessed oil that meets the contaminant contents limitations contained this permit. At no time shall the permittee store waste oil generated onsite inside Source ID P101A.

22. Source ID P101A is a 20,000 gallon vertical aboveground tank utilized to store reclaimed/reprocessed oil.

23. The heating furnace associated with Source ID 031 is being modified to install oil preheat element. The modification of heating furnace will increase the heat input to 1.3 mmBtu/hr.

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

**14-00003C: The Pennsylvania State University** (101P Office of Physical Plant, University Park, PA 16802-1118) for the construction of two 2,346 Bhp, diesel-fired, Mitsubishi Model No. S16R-Y2PTAW-1, compression ignited internal combustion engines utilized to supply emergency electricity generation for the Computer Building located at University Park Campus in College Township, **Centre County**. The respective facility is a major facility for which a Title V operating permit 14-00003 has been issued.

The Department of Environmental Protection's (Department) review of the information contained in the application indicates that the construction of the respective compression ignited internal combustion engines meets all applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants, including BAT Requirements of 25 Pa. Code §§ 127.1 and 127.12. Based on these findings, the Department intends to issue a plan approval for the construction of two 2,346 Bhp, diesel-fired, compression ignited internal combustion engines. Additionally, if the Department determines that the respective engines are operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into Title V operating permit 14-00003 by means of an administrative amendment under 25 Pa. Code § 127.450. This is a Title V facility.

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

1. Compliance with the requirement specified in this streamlined permit condition assures compliance with the provisions in 40 CFR 60.4205(b).

Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the NO<sub>x</sub> emissions from each exhaust of Source IDs P117 and P118 shall not exceed 4.11 grams per brake horsepower, 21.24 pounds per hour and 1.06 tons in any 12-consecutive month period.

2. Compliance with the requirement specified in this streamlined permit condition assures compliance with the provisions in 40 CFR 60.4205(b).

Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the CO emissions from each exhaust of Source IDs P117 and P118 shall not exceed 0.52 gram per brake horsepower, 2.70 pounds per hour and 0.13 ton in any 12-consecutive month period.

3. Compliance with the requirement specified in this streamlined permit condition assures compliance with the provisions in 25 Pa. Code § 123.21.

Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the SO<sub>x</sub>, expressed as SO<sub>2</sub> emissions from each exhaust of Source IDs P117 and P118 shall not exceed 0.17 gram per brake horsepower, 0.87 pound per hour and 0.04 ton in any 12-consecutive month period.

4. Compliance with the requirement specified in this streamlined permit condition assures compliance with the provisions in 25 Pa. Code § 123.13 and 40 CFR 60.4205(b).

Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the total PM/PM<sub>10</sub> emissions from each exhaust of Source IDs P117 and P118 shall not exceed 0.13 gram per brake horsepower, 0.66 pound per hour and 0.03 ton in any 12-consecutive month period.

5. Compliance with the requirement specified in this streamlined permit condition assures compliance with the provisions in 40 CFR 60.4205(b).

Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the VOCs, expressed as nonmethane hydrocarbons, emissions from each exhaust of Source IDs P117 and P118 shall not exceed 0.39 gram per brake horsepower, 2.00 pounds per hour and 0.10 ton in any 12-consecutive month period.

6. Compliance with the requirement specified in this streamlined permit condition assures compliance with the provisions in 25 Pa. Code § 123.41 and 40 CFR 60.4205(b).

Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, no person shall permit the emissions into the outdoor atmosphere of visible air contaminants in such a manner that the opacity of the emissions from Source IDs P117 and P118 is equal to or greater than 15% at any time.

7. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, Source IDs P117 and P118 shall not operate for more than 100 hours in any 12-consecutive month period.

8. Additional authority for this permit condition is derived from 25 Pa. Code §§ 127.1 and 127.12.

Until October 10, 2010, the permittee shall only use diesel fuel that meets the following parameters as fuel for Source IDs P117 and P118.

a) Sulfur content equal to 500 parts per million (ppm) maximum upon a gallon basis.

b) Minimum cetane index number of 40 or maximum aromatic content equal to 35%.

Beginning October 10, 2010, the permittee shall only use diesel fuel that meets the following parameters as fuel for Source IDs P117 and P118.

a) Sulfur content equal to 15 ppm maximum upon a gallon basis.

b) Minimum cetane index number of 40 or maximum aromatic content equal to 35%.

Additionally, the as stored vapor pressure of the diesel fuel stored in FM001 shall not exceed 1.5 psia.

9. Additional authority for this permit condition is derived from 25 Pa. Code §§ 127.1 and 127.12.

Source IDs P117 and P118 shall be equipped with a nonresettable hour meter prior to initial start-up of Source IDs P117 and P118 and the nonresettable hour meter shall continuously monitor the hours of operation of Source IDs P117 and P118.

10. The permittee shall keep records of the following information:

a) The monthly calculations of air contaminant emissions from Source IDs P117 and P118 used to verify compliance with NO<sub>x</sub>, CO, SO<sub>x</sub>, PM, VOC and HAP emissions limitations in any 12-consecutive month period.

b) The calculated hours of operation from the nonresettable hour meter that Source IDs P117 and P118 are operated on a monthly basis and reason of operation.

c) For each delivery of diesel fuel for these engines, a copy of the fuel certification report that verifies compliance with diesel fuel requirements for Source IDs P117 and P118.

d) Maintenance records for Source IDs P117 and P118 that verifies the engines are operated and maintained according to the manufacturer's written instructions and recommendations.

These records shall be kept for a minimum of 5 years and shall be made available to the Department upon request

11. The permittee shall submit the following report on a annual basis:

a) The monthly calculations of air contaminant emissions from Source IDs P117 and P118 used to verify compliance with NO<sub>x</sub>, CO, SO<sub>x</sub>, PM, VOC and HAP emissions limitations in any 12-consecutive month period.

b) The calculated hours of operation from the nonresettable hour meter that Source IDs P117 and P118 are operated on a monthly basis and reason of operation.

c) For each delivery of diesel fuel for these engines, a copy of the fuel certification report that verifies compliance with diesel fuel requirements for Source IDs P117 and P118.

d) Maintenance records for Source IDs P117 and P118 that verifies the engines are operated and maintained according to the manufacturer's written instructions and recommendations.

Annual reports shall be submitted to the Department and Environmental Protection Agency (EPA), at the addresses that follow, by March 1 for the previous calendar year (January 1 through December 31).

Department of Environmental Protection  
Air Quality Program  
208 West Third Street  
Suite 101  
Williamsport, PA 17701-6448

Air Enforcement Branch, Mail Code 3AP12  
US EPA, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

12. Under 40 CFR 63.6645(f), within 120 days from initial start-up of Source IDs P117 and P118, the permittee shall submit initial notification that contains all information specified in 40 CFR 63.9(b)(2)(i)–(v) including a statement that Source IDs P117 and P118 have no additional applicable requirements of 40 CFR Part 63 Subpart ZZZZ and explain the basis for exclusion.

Initial notification shall be submitted to the Department and EPA, at the addresses that follow, within 120 days from initial start-up of Source IDs P117 and P118.

Department of Environmental Protection  
Air Quality Program  
208 West Third Street  
Suite 101  
Williamsport, PA 17701-6448

Air Enforcement Branch, Mail Code 3AP12  
US EPA, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

13. Additional authority for this permit condition is derived from 25 Pa. Code §§ 127.1 and 127.12.

Source IDs P117 and P118 shall operate only for purposes of readiness testing, maintenance checks and emergency situations. Source IDs P117 and P118 shall not operate for purposes of peak shaving or to supply electricity to an electric grid or otherwise supply power as part of a financial arrangement with another entity.

14. Additional authority for this permit condition is derived from 25 Pa. Code §§ 127.1 and 127.12.

Source IDs P117 and P118 shall be operated, configured and maintained according to the manufacturer's written specifications, instructions and recommendations over the entire life of Source IDs P117 and P118.

15. Source IDs P117 and P118 are two identical 2346 Bhp, Mitsubishi Model No. S16R-Y2PTAW-1 compression ignited internal combustion engines utilized for emergency electricity generation located at the Computer Building.

16. Source IDs P117 and P118 are subject to 40 CFR Part 60, Subpart IIII. The permittee shall comply with all the applicable requirements specified in 40 CFR 60.4200–60.4219.

17. Source IDs P117 and P118 are subject to 40 CFR Part 60, Subpart ZZZZ. The permittee shall comply with all the applicable requirements specified in 40 CFR 63.6580–63.6675.

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

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

**24-131M: SGL Carbon, LLC** (900 Theresia Street, St. Marys, PA 15857) for construction of a new CVD Reactor (Reactor 8) and scrubber system in the City of St. Marys, **Elk 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 for PM.
- HCl emissions from this source, as measured from the scrubber stack, shall not exceed 0.02 pound/hour averaged over the reaction period (Deposition Cycle).
- Perform stack testing for HCL compliance.
- The permittee shall maintain a pH meter or similar device to measure the pH of the scrubber liquid solution. The pH meter or similar device shall be mounted in an accessible area and maintained in good operating conditions at all times.
- The permittee shall maintain a makeup water flow gauge and a scrubber sprayhead flow gauge. The flow gauge or similar device shall be mounted in an accessible area and maintained in good operating conditions at all times.
- The permittee shall maintain a record of all preventative maintenance inspections of the control device. These records shall, at a minimum, contain the dates of the inspections, any problems or defects, the actions taken to correct the problems or defects and any routine maintenance performed.
- The permittee shall maintain a record of the following from the operational inspections:
  - Low flow alarm check
  - Low pH alarm check
- The permittee shall record the following operational data from the control device (these records may be done with strip charts recorders, data acquisition systems or manual log entries):
  - pH of the scrubber liquid solution—daily
  - Scrubber makeup liquid flow rate—daily
  - Scrubber sprayhead flow rate—daily
- The permittee shall record all excursions and corrective actions taken in response to an excursion and the time elapsed until the corrective actions have been taken.
- The permittee shall maintain records of all monitoring downtime incidents (other than downtime associated with zero and span or other daily calibration checks, if applicable). The permittee shall also record the dates, times and durations, probable causes and corrective actions taken for the incidents.
- The permittee shall record all inspections, repairs and maintenance performed on the monitoring equipment.
  - All required records shall be kept for a period of 5 years and shall be made available to the Department upon request.
- The permittee shall report all excursions and corrective actions taken, the dates, times, durations and probable causes, every 6 months.
- The permittee shall report all monitoring downtime incidents (other than downtime associated with zero and span or other daily calibration checks, if applicable), their dates, times and durations, probable causes and corrective actions taken, every 6 months.
- The permittee shall report the following information to the Department every 6 months:
  - Summary information on the number, duration and cause (including unknown cause, if applicable) of excursions or exceedances, as applicable, and the corrective actions taken;
  - Summary information on the number, duration and cause (including unknown cause, if applicable) for monitor downtime incidents (other than downtime associated with zero and span or other daily calibration checks, if applicable); and
  - If applicable, a description of the actions taken to implement a quality improvement plan (QIP) during the semi-annual reporting period. Upon completion of a QIP, the owner or operator shall include in the next summary report documentation that the implementation of the plan has been completed and reduced the likelihood of similar levels of excursions or exceedances occurring.
- The permittee shall perform a weekly operational inspection of the control device.
- The permittee shall operate the control device at all times that the source is in operation.
- The permittee shall maintain and operate the source and control device in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.
- The permittee shall adhere to the approved indicator range for the control device so that operation within the range shall provide reasonable assurance of compliance. A departure from the specified indicator range over a specified averaging period shall be defined as an excursion. The approved indicator ranges for the parameters are, as follows or as determined during the initial performance test or any subsequently approved performance tests unless otherwise stated:
  - Scrubber liquid pH greater than 9.0.
  - Scrubber inlet water flow rate greater than 10 liters/minute.
  - Scrubber sprayhead flow rate greater than 10 liters/minute.
- The permittee, with prior Departmental approval, may conduct additional performance tests to determine a new control device operating ranges.
- The permittee shall utilize approved QA/QC practices that are adequate to ensure continuing validity of data and proper performance of the control devices.
- The permittee shall install detectors or sensors at a Department approved location for obtaining data that is representative of the monitored indicator.
- The permittee shall develop verification procedures to confirm that the operational status of the monitoring devices is within the expected range.
  - For QA/QC purposes, the permittee shall calibrate and check the accuracy of the monitoring equipment, according to the manufacturer's recommended procedures.
- The permittee shall maintain all monitoring equipment and stock spare parts as necessary for routine onsite repairs.
- The permittee shall ensure that at least 90% of the approved monitoring data has been properly and accurately collected.
- The permittee shall submit an implementation plan and schedule if the approved monitoring requires the installation, testing or other necessary activities. The schedule for completing installation and beginning operation of the monitoring may not exceed 180 days after startup of source.

- Commencement of operation. The owner or operator shall conduct the monitoring required under this part upon issuance of a Part 70 or 71 permit that includes such monitoring, or by such later date specified in the permit under 40 CFR 64.6(d).

- Continued operation. Except for, as applicable, monitoring malfunctions, associated repairs and required quality assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), the owner or operator shall conduct all monitoring in continuous operation (or shall collect data at all required intervals) at all times that the pollutant-specific emissions unit is operating. Data recorded during monitoring malfunctions, associated repairs and required quality assurance or control activities shall not be used for purposes of this part, including data averages and calculations, or fulfilling a minimum data availability requirement, if applicable. The owner or operator shall use all the data collected during all other periods in assessing the operation of the control device and associated control system. A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring to provide valid data. Monitoring failures that are caused in part by poor maintenance or careless operation are not malfunctions.

- Response to excursions or exceedances.

- Upon detecting an excursion or exceedance, the owner or operator shall restore operation of the pollutant-specific emissions unit (including the control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions. The response shall include minimizing the period of any startup, shutdown or malfunction and taking any necessary corrective actions to restore normal operation and prevent the likely recurrence of the cause of an excursion or exceedance (other than those caused by excused startup or shutdown conditions). Such actions may include initial inspection and evaluation, recording that operations returned to normal without operator action (such as through response by a computerized distribution control system), or any necessary follow-up actions to return operation to within the indicator range, designated condition, or below the applicable emission limitation or standard, as applicable.

- Determination of whether the owner or operator has used acceptable procedures in response to an excursion or exceedance will be based on information available, which may include but is not limited to, monitoring results, review of operation and maintenance procedures and records, and inspection of the control device, associated capture system and the process.

- Documentation of need for improved monitoring. After approval of monitoring under this part, if the owner or operator identifies a failure to achieve compliance with an emission limitation or standard for which the approved monitoring did not provide an indication of an excursion or exceedance while providing valid data, or the results of compliance or performance testing document a need to modify the existing indicator ranges or designated conditions, the owner or operator shall promptly notify the permitting authority and, if necessary, submit a proposed modification to the part 70 or 71 permit to address the necessary monitoring changes. Such a modification may include, but is not limited to, reestablishing

indicator ranges or designated conditions, modifying the frequency of conducting monitoring and collecting data, or the monitoring of additional parameters.

- Any information required to be submitted as part of this plan approval should be submitted to the attention of Chief, New Source Review Section, Air Quality Control, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335.

- Issuance of an Operating Permit is contingent upon satisfactory compliance with the plan approval conditions, upon the source and control device being installed, tested and operated as stated within the application, and upon satisfactory demonstration that the emissions from the source will not be in violation of applicable Rules and Regulations of the Department.

- The permittee shall develop and implement a QIP as expeditiously as practicable if any of the following occur:

- Six excursions occur in a 6 month reporting period.

- The Department determines after review of all reported information that the permittee has not responded acceptable to an excursion.

- The QIP plan should be developed within 60 days and the permittee shall provide a copy of the QIP to the Department. Furthermore, the permittee shall notify the Department if the period for completing the improvements contained in the QIP exceeds 180 days from the date on which the need to implement the QIP was determined.

- The permittee shall record actions taken to implement a QIP during a reporting period and all related actions including, but not limited to inspections, repairs and maintenance performed on the monitoring equipment.

- In accordance with 40 CFR 64.8, the QIP shall include procedures for evaluating the control performance problems. Based on the results of the evaluation procedures, the permittee shall modify the QIP and provide the Department with a copy, to include procedures for conducting more frequent, or improved, monitoring in conjunction with one or more of the following:

- Improved preventive maintenance practices.

- Process operation changes.

- Appropriate improvements to the control methods.

- Other steps appropriate to correct performance.

- Following implementation of a QIP, the Department will require reasonable revisions to the QIP if the plan has failed to either:

- Address the cause of the control device performance problem.

- Provide adequate procedures for correcting control device performance problems in as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions.

- Implementation of a QIP, shall not excuse the permittee from compliance with any existing emission limitation or standard or any existing monitoring, testing, reporting or recordkeeping requirements that may apply under any federal, state, or local laws or any other applicable requirements under the Clean Air Act.

## 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.**

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

**21-05038: Holy Spirit Hospital** (503 North 21st Street, Camp Hill, PA 17011) for operation of a medical care facility in East Pennsboro Township, **Cumberland County**. This action is a renewal of the Title V operating permit issued in 2003.

**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.*

**15-00051: Allan A. Myers, LP—d/b/a Independence Construction Materials-Devault Asphalt Plant** (Route 29, (Devault) Charlestown Township, PA 19432) for operation of their hot mix batch asphalt plant on Route 29 in Charlestown Township, **Chester County**. The permit is for a non-Title V (State-only) facility. The Devault Asphalt Plant consists of counter-flow drum mix asphalt plant, with a rated capacity of 450 tph and an aggregate drum dryer/burner that uses natural gas as the primary fuel and No. 2 fuel oil as the backup fuel. The plant utilizes a baghouse and a cyclone as controls for PM emissions. The plant also has a recycled asphalt pavement crusher, rated at 250 tph. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**46-00254: Campania International, Inc.** (2452 Quakertown Road, Pennsburg, PA 18073) for operating a garden ornament product plant in Upper Hanover Township, **Montgomery County**. This is an initial State-only operating permit that includes emission restrictions, monitoring, recordkeeping and reporting requirements designed to ensure this facility complies with all applicable air quality regulations.

**46-00116: Pecora Corp.** (165 Wambold Road, Harleysville, PA 19438) for operation of mixers and cold cleaning degreasers in Lower Salford Township, **Montgomery County**. This action is a renewal of the State-only Operating Permit (Natural Minor). The original State-only Operating Permit was issued on August 27, 2003. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting 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.*

**07-03040: Pennfield Corp.—Martinsburg Mill** (106 South Railroad Street, Martinsburg, PA 16662-1334) for a renewal of the natural minor operating permit issued in January 2004 in Martinsburg Borough, **Blair County**.

**36-05118: R.R. Donnelley and Sons Co.** (1375 Harrisburg Pike, Lancaster, PA 17601) for operation of their printing facility in the City of Lancaster, **Lancaster County**. Annual emissions are estimated to be 3 tons CO,

4 tons NOx and 29 tons VOC. This is a renewal of their State-only operating permit issued in 2003.

**38-03039: Martin's Wood Products, LLC** (650 Houtztown Road, Myerstown, PA 17067) for operation of a wood furniture finishing system at their plant in Jackson Township, **Lebanon County**. This is a renewal of the State-only operating permit issued in 2003.

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

**19-00015: HRI, Inc.** (1750 West College Avenue, Suite 1), for operation of their Bloomsburg hot mix asphalt plant located in Hemlock Township, **Columbia County**. The facility's main source is a batch hot mix asphalt plant equipped with a 105 mmBtu/hr fuel oil fired aggregate dryer with the air contaminants controlled by a knockout box and a fabric collector operating in series. By taking a limit on the amount of asphalt concrete produced in any 12-consecutive month period (540,000 tons), this facility has the potential to emit SOx, NOx, CO, VOCs, HAPs and PM/PM10 below the major emission thresholds.

**17-00048: Philipsburg Osceola Area School District** (502 Philips Street, Philipsburg, PA 16866) for their Osceola Mills elementary school located in Osceola Mills Borough, **Clearfield County**. The facility's main sources include one tri-fuel (coal No. 2 fuel oil) fired boiler, one No. 2 fuel oil fired boiler, one No. 2 fuel oil fired water heater, one No. 2 fuel oil fired emergency generator. The facility has the potential to emit SOx, NOx, CO, PM/PM10, VOCs and HAPs below the major emission thresholds. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

**49-00050: McPherson Greenhouses** (103 Ridge Road, Northumberland, PA 17857) for their greenhouse facility located in Point Township, **Northumberland County**. The facility's main sources include two anthracite coal fired boilers. The facility has the potential to emit SOx, NOx, CO, PM/PM10, VOCs and HAPs below the major emission thresholds. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

**14-00021: Hanson Aggregates (PA) Inc.** (2200 Springfield Pike, Connellsville, PA 15425), for their facility in Marion Township, **Centre County**. The facility's main sources include one primary crusher, one secondary crusher, three tertiary crushers, and associated various material sizing and conveying equipment. These sources have the potential to emit PM/PM10 below the major emission thresholds. The proposed Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

**COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S.

§§ 1406.1—1406.21). Mining activity permits issued in response to applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

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

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the

respective coal and noncoal applications. In addition, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies who have requested review of NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30-day period to review and submit comments on the requirements.

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

*Coal Applications Received*

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

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH <sup>1</sup>		greater than 6.0; less than 9.0	
Alkalinity greater than acidity <sup>1</sup>			

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

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

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

**Permit Number 17921604 and NPDES Permit No. PA0214167, Waroquier Coal Company**, (P. O. Box 128, 3056 Washington Avenue, Clearfield, PA 16830), to renew the permit for the Truck Tipple in Lawrence Township, **Clearfield County** and related NPDES Permit. No additional discharges. Application received May 27, 2008.

**Permit Number 30831303 and NPDES Permit No. PA0013511, Cumberland Coal Resources, LP**, (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370), to revise the permit for the Cumberland Mine in Whiteley Township, **Greene County**, United States Army Corps of Engineers, Pittsburgh District (Garards Fork and Oak Forest, PA Quadrangle N: 9.45 inches; W: 15.43 inches to N: 9.98 inches; W: 12.74 inches and N: 11.05 inches;

W: 12.40 inches to N: 10.71 inches; W: 12.30 inches and N: 11.35 inches; W: 13.72 inches to N: 10.92 inches; W: 13.52 inches).

This is a Chapter 105 Water Obstruction and Encroachment permit application (Stream Module 15), and 401 Water Quality Certification request, if applicable, submitted as part of the mining permit revision application to authorize the stream restoration for pooling or flow loss due to longwall mining to four areas of Whiteley Creek, one area of Dutch Run, and one area of Dyers Fork.

Written comments or objections on the request for Section 401 Water Quality Certification or to the issuance of the Water Obstruction and Encroachment Permit, (Stream Module 15) may be submitted to the Department of Environmental Protection within 30 days of the date of this notice to the District Mining Office identified previously. Comments should contain the name, address and telephone number of the person commenting, identification of the request for 401 Water Quality Certification and Chapter 105 permit application, (Stream Module 15) to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including relevant facts upon which they are based.

The Water Obstruction and Encroachment permit application is available for review at the California District Mining Office, by appointment, at the address listed previously.

Application received April 7, 2008.

**Permit Number 32081301 and NPDES Permit No. NA, Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201-9642), to operate the Coral Graceton Mine in Center Township, **Indiana County** a new underground mine and related NPDES permit, Surface Acres Proposed 39.4, Underground Acres Proposed 1202.0, Subsidence Control Plan Acres Proposed 1,202.0, Receiving streams: Two Lick Creek, classified for the following uses: TSF and UNT No. 3 to Two Lick Creek. The first downstream potable water supply intake from the point of discharge is Edison Mission Energy and intake Two Lick Creek. Application received April 25, 2008.

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

**63080103 and NPDES Permit No. PA0251445. Amerikohl Mining, Inc.** (1384 SR 711, Stahlstown, PA 15687). Application for commencement, operation and reclamation of a bituminous surface mine, located in Somerset and Fallowfield Townships, **Washington County**, affecting 205.5 acres. Receiving streams: UNTs to North Branch Pigeon Creek and Pigeon Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received July 1, 2008.

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

**17080109 and NPDES No. PA0256838. Hilltop Coal Company** (12 Dutchtown Road, Houtzdale, PA 16651). Commencement, operation and restoration of a bituminous surface mine in Bigler Township, **Clearfield County**, affecting 161.2 acres. Receiving streams: Japling Run and UNTs to Muddy Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received June 24, 2008.

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

**54850207C. Rausch Creek Land, LP**, (978 Gap Street, Valley View, PA 17983), correction to an existing anthracite coal refuse reprocessing operation in Hegins Township, **Schuylkill County** to add sewage sludge as part of the revised reclamation plan on 20.0 of 39.1 permitted acres, receiving stream: East Branch Rausch Creek, classified for the following use: WWF. Application received June 20, 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 §§ 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the

issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

**Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Floodplain Management Act (32 P. S. § 679.302) and requests for certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).**

## WATER OBSTRUCTIONS AND ENCROACHMENTS

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, Telephone (570) 826-2511.*

**E45-528. Pocono Manor Investors, LP**, P. O. Box 38, Pocono Manor, PA 18349, in Pocono Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a road crossing consisting of a 36 inch reinforced concrete pipe, concrete wingwalls and a riprap apron across Transue Run (HQ-CWF) and a de minimis area of EV wetlands equal to 0.03 acre for the purpose of providing access to four lots associated with the Quaker Ridge Estates Subdivision. The project is located approximately 950 feet east of the intersection of Brookdale Road and Sullivan Trail (Mount Pocono, PA Quadrangle Latitude: 41° 4' 47.5"; Longitude: 75° 22' 5.2").

**E06-640, Department of Transportation, Engineering District 5-0.** 1713 Lehigh Street, Allentown, PA 18103, United States Army Corps of Engineers, Philadelphia District.

*Project Description:*

To: (1) to raze a bridge installed in 1998 as a temporary crossing of Maiden Creek for SR 0143 (Kutztown, PA Quadrangle N: 4.6 inches; W: 17.3 inches, Latitude: 40° 31' 36"; Longitude: 75° 52' 28"); (2) to raze the SR 0143 steel plate two span girder bridge having a width of 18 feet, a total span of 157.0 feet, and an underclearance of 16 feet carrying SR 0143 over Maiden Creek until it was closed in 1998 (Kutztown, PA Quadrangle N: 4.6 inches; W: 17.3 inches, Latitude: 40° 31' 36"; Longitude: 75° 52'

28"); (3) to construct and maintain a two span steel girder bridge having a width of 43.4 feet, a total span of 180 feet, and an underclearance of 11.5 feet at a location approximately 60 feet south of the confluence of Maiden and Sacony Creeks (Kutztown, PA Quadrangle N: 4.6 inches; W: 17.3 inches, Latitude: 40° 31' 36"; Longitude: 75° 52' 28"). The purpose of this project to replace the closed SR 0143, Section 01B bridge over Maiden Creek in Greenwich, Perry and Richmond Townships, Berks County. The project will result in 250 linear feet of temporary perennial stream impacts, 200 linear feet of permanent perennial stream impacts. The project will involve the installation of temporary cofferdams.

**E36-839, Turnpike Commission.** P. O. Box 67676, Harrisburg, PA 17106, United States Army Corps of Engineers, Baltimore District.

*Project Description:*

To construct and maintain: (1) a 668-foot long stream channel restoration project in a perennial UNT to Furnace Run (HQ-CWF) (Lititz, PA Quadrangle N: 20.5 inches; W: 7.6 inches, Latitude: 40° 14' 08" N; Longitude: 76° 18' 22"); (2) a 15 foot extension of a 12-inch stormwater outfall structure discharging to the UNT to Furnace Run (HQ-CWF) (Lititz, PA Quadrangle N: 20.0 inches; W: 8.1 inches, Latitude: 40° 14' 07" N; Longitude: 76° 18' 30"); (3) a 10 foot extension of an 18-inch stormwater outfall structure discharging to the UNT to Furnace Run (HQ-CWF) (Lititz, PA Quadrangle N: 20.0 inches; W: 8.0 inches, Latitude: 40° 14' 07" N; Longitude: 76° 18' 27"); (4) the removal of 287 cubic yards of fill material and the placement of 604 cubic yards of material within the floodway of a UNT to Furnace Run (HQ-CWF) (Lititz, PA Quadrangle N: 20.0 inches; W: 8.0 inches, Latitude: 40° 14' 07" N; Longitude: 76° 18' 27") located within Elizabeth Township, Lancaster County along the Pennsylvania Turnpike at Milepost 273.5.

**E67-849: Windsor Township,** 1480 Windsor Road, P. O. Box 458, Red Lion, PA 17356, Windsor Township, **York County,** United States Army Corps of Engineers, Baltimore District.

To construct and maintain: (P) 1,600 cubic yards of fill within the floodplain of Kreutz Creek (WWF) for the construction of a sewage pump station (WWF) (Red Lion, PA Quadrangle N: 15.3 inches; W: 15.4 inches, Latitude: 39° 56' 27"; Longitude: 76° 39' 21").

(A) A 12.0-inch and an 18.0-inch diameter force main and a 18.0-inch diameter sewer line crossing impacting 1547 square feet (0.035 acre) PEM wetland crossing (Red Lion, PA Quadrangle N: 15.2 inches; W: 15.6 inches, Latitude: 39° 57' 34"; Longitude: 76° 36' 43").

(B1) Two 12.0-inch diameter force mains and a 21.0-inch diameter sewer line crossing impacting 12.0-feet of a UNT to Kreutz Creek (WWF) (Red Lion, PA Quadrangle N: 15.2 inches; W: 15.8 inches, Latitude: 39° 57' 32", Longitude: 76° 36' 49").

(B2) 16.0 lineal feet of 60.0-inch by 38.0-inch culvert pipe depressed 6.0 inches located within a UNT to Kreutz Creek (WWF) (Red Lion, PA Quadrangle N: 15.2 inches; W: 15.8 inches, Latitude: 39° 57' 32"; Longitude: 76° 36' 49").

(C) A 12.0-inch and an 18.0-inch diameter force main and a 18.0-inch diameter sewer line crossing impacting 20.0-feet of Kreutz Creek (WWF) (Red Lion, PA Quadrangle N: 15.1 inches; W: 16.4 inches, Latitude: 39° 57' 28"; Longitude: 76° 37' 05").

(D) A 12.0-inch and an 18.0-inch diameter force main and a 18.0-inch diameter sewer line crossing impacting 3,520 square feet (0.080 acre) PEM wetland crossing (Red Lion, PA Quadrangle N: 15.0 inches; W: 16.4 inches, Latitude: 39° 57' 25"; Longitude: 76° 37' 05").

(E) A 12.0-inch and an 18.0-inch diameter force main and a 18.0-inch diameter sewer line crossing impacting 30.0-feet of Kreutz Creek (WWF) (Red Lion, PA Quadrangle N: 15.0 inches; W: 16.5 inches, Latitude: 39° 57' 24"; Longitude: 76° 37' 05").

(G) A 12.0-inch and an 18.0-inch diameter force main and a 18.0-inch diameter sewer line crossing impacting 20.0-feet of Kreutz Creek (WWF) (Red Lion, PA Quadrangle N: 14.6 inches; W: 16.6 inches, Latitude: 39° 57' 21"; Longitude: 76° 37' 09").

(H1) A 12.0-inch and an 18.0-inch diameter force main and a 18.0-inch diameter sewer line crossing impacting 12.0-feet of Kreutz Creek (WWF) (Red Lion, PA Quadrangle N: 14.6 inches; W: 16.7 inches, Latitude: 39° 57' 19"; Longitude: 76° 37' 10").

(H2) 16.0 lineal feet of 60.0-inch by 38.0-inch culvert pipe depressed 6.0 inches located within a UNT to Kreutz Creek (WWF) (Red Lion, PA Quadrangle N: 14.6 inches; W: 16.7 inches, Latitude: 39° 57' 21"; Longitude: 76° 37' 09").

(I1) A 12.0-inch and an 18.0-inch diameter force main and a 18.0-inch diameter sewer line crossing impacting 12.0-feet of a UNT to Kreutz Creek (WWF) (York, PA Quadrangle N: 14.3 inches; W: 0.1 inch, Latitude: 39° 57' 11"; Longitude: 76° 37' 30").

(I2) 16.0 lineal feet of 60.0-inch by 38.0-inch culvert pipe depressed 6.0 inches located within a UNT to Kreutz Creek (WWF) (York, PA Quadrangle N: 14.3 inches; W: 0.1 inch, Latitude: 39° 57' 11"; Longitude: 76° 37' 30").

(J) Four culvert pipes, 30.0 lineal feet in length by 30.0 inch diameter for a temporary road crossing of Kreutz Creek (WWF) (York, PA Quadrangle N: 14.4 inches; W: 0.1 inch, Latitude: 39° 57' 14"; Longitude: 76° 37' 29").

(K1) A 12.0-inch and an 18.0-inch diameter force main and a 18.0-inch diameter sewer line crossing impacting 20.0-feet of Kreutz Creek (WWF) (York, PA Quadrangle N: 13.4 inches; W: 1.6 inches, Latitude: 39° 56' 58"; Longitude: 76° 38' 09").

(K2) Four culvert pipes, 30.0 lineal feet in length by 30.0 inch diameter for a temporary road crossing of Kreutz Creek (WWF) (York, PA Quadrangle N: 14.40 inches; W: 0.1 inch, Latitude: 39° 57' 14"; Longitude: 76° 37' 29").

(L1) A 12.0-inch and an 18.0-inch diameter force main and a 15.0-inch diameter sewer line crossing impacting 18.0-feet of a UNT to Kreutz Creek (WWF) (York, PA Quadrangle N: 13.3 inches; W: 1.8 inches, Latitude: 39° 56' 54"; Longitude: 76° 38' 16").

(L2) 16.0 lineal feet of 42.0-inch by 27.0-inch culvert pipe depressed 6.0 inches within a UNT to Kreutz Creek (WWF) (York, PA Quadrangle N: 13.3 inches; W: 1.8 inches, Latitude: 39° 56' 54"; Longitude: 76° 38' 16").

(M1) A 12.0-inch and an 18.0-inch diameter force main and a 15.0-inch diameter sewer line crossing impacting 20.0-feet of a UNT to Kreutz Creek (WWF) (York, PA Quadrangle N: 13.0 inches; W: 2.1 inches, Latitude: 39° 56' 46"; Longitude: 76° 38' 21").

(M2) 16.0 lineal feet of 42.0-inch by 27.0-inch culvert pipe depressed 6.0 inches within a UNT to Kreutz Creek

(WWF) (York, PA Quadrangle N: 13.0 inches; W: 2.1 inches, Latitude: 39° 56' 46"; Longitude: 76° 38' 21").

(N) A 21.0-inch diameter sewer line crossing impacting 3,425 square feet (0.078 acre) of a PEM wetland (York, PA Quadrangle N: 11.9 inches; W: 4.4 inches, Latitude: 39° 56' 27"; Longitude: 76° 39' 21").

(O1) A 21.0-inch diameter sewer main impacting 30.0-feet of Mill Creek (WWF) (York, PA Quadrangle N: 11.9 inches; W: 4.4 inches, Latitude: 39° 56' 27"; Longitude: 76° 39' 21").

(O2) Four culvert pipes, 30.0 lineal feet in length by 30.0 inch diameter for a temporary road crossing of a UNT to Kreutz Creek (WWF) (York, PA Quadrangle N: 11.90 inches; W: 4.4 inches, Latitude: 39° 56' 27"; Longitude: 76° 39' 21").

The project will result in 80.0 linear feet of permanent channel impacts, 425 feet of temporary stream impacts and 0.193 acre of temporary PEM wetland impacts all for the purpose of installing a sanitary sewer collection system.

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

**E02-1586. McDonald's Corporation**, 1000 Omega Drive, Pittsburgh, PA 15205. To construct bank protection in Shaler Township, **Allegheny County**, United States Army Corps of Engineers, Pittsburgh District (Glenshaw, PA Quadrangle N: 2.4 inches; W: 10.7 inches, Latitude: 40° 30' 48"; Longitude: 79° 57' 07"). The applicant proposes to remove the existing structure (McDonald's Restaurant) and to construct and maintain a new structure (McDonald's Restaurant) on the left bank of Pine Creek (TSF) and to place and maintain reinforcement material along the left bank of said stream for the purpose of renovating the existing McDonald's Restaurant. The project is located just west from the intersection of Pennview Street and SR 008 and will impact 186 linear feet of stream channel.

**E02-1588. Allegheny County Sanitary Authority (ALCOSAN)**, 3300 Preble Avenue, Pittsburgh, PA 15233-1492. To construct and maintain building in the City of Pittsburgh, **Allegheny County**, United States Army Corps of Engineers, Pittsburgh District (Pittsburgh West, PA Quadrangle N: 17.7 inches; W: 5.6 inches, Latitude: 40° 28' 21"; Longitude: 80° 02' 25"). The applicant proposes to construct and maintain a building known as ALCOSAN Customer Service and Training Center on the right bank of the Ohio River (WWF). The project is located on the west side of Preble Avenue, at the intersection of Preble and Westhall Streets.

**E63-608. Meadows Landing Associates, LLP**, 650 Washington Road, Suite 400, Pittsburgh, PA 15228. To construct a stream enclosure and fill wetlands in South Strabane Township, **Washington County**, United States Army Corps of Engineers, Pittsburgh District (Washington East, PA Quadrangle N: 14.88"; W: 10.43", Latitude: 40° 12' 25.6"; Longitude: 80° 11' 25.6"). The applicant proposes to construct and maintain a 700' stream enclosure on a UNT to Chartiers Creek (WWF), a 160' stream enclosure on a UNT to Chartiers Creek, both with drainage areas under 100 acres, (total length of enclosures is 860'); to place and maintain fill in 0.03 acre of wetland, and to place and maintain fill in 0.48 acre of wetland, both in the Chartiers Creek Watershed (total wetland impact 0.51 acre, for the purpose of constructing a commercial/office development). To mitigate these im-

pacts, a 0.57 acre replacement wetland and 1,720' of stream improvement on 3 UNTs to Chartiers Creek will be constructed.

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

**E20-571. Vantage Real Estate Investment Company, Ltd.**, 18282 Technology Drive, Suite 2, Meadville, PA 16335. Former Talon Building 7 Renovation, in the City of Meadville, **Crawford County**, United States Army Corps of Engineers, Pittsburgh District (Meadville, PA Quadrangle N: 41° 37' 39"; W: 80° 9' 13").

The applicant proposes to construct and maintain a renovation of the former Talon No. 7 plant adjacent to and SE of the intersection of SR 322 and Linden Street including grading, building modifications and parking lot construction and involving a net removal of 330 cubic yards of material/earth from the FEMA floodway of French Creek. French Creek is a perennial stream classified as a WWF.

**E24-248. Veolia ES Greentree Landfill, LLC**, 635 Toby Road, Kersey, PA 15846. Phase I and II Landfill Expansion, in Fox Township, **Elk County**, United States Army Corps of Engineers, Pittsburgh District (Brandy Camp, PA Quadrangle N: 41° 17' 25"; W: 78° 38' 69").

The applicant proposes to expand the existing municipal landfill increasing the disposal area an additional 104.31 acres into land consisting mainly of a strip mine spoil area and currently permitted borrow areas. The project proposes to directly impact approximately 4,225 linear feet of stream of Little Toby Creek, Bear Run and tributaries and 4.36 acres of PEM/PSS/PFO wetlands. Little Toby Creek, Bear Run and tributaries are classified as CWF. Wetland mitigation will consist of the creation 12 acres of wetland habitat adjacent to the closed landfill within the VGL property. Stream Mitigation will occur offsite within the Little Toby Creek watershed and includes channel reconstruction, the installation of cross rock vanes and J-hook vanes, riparian zone plantings.

#### ENVIRONMENTAL ASSESSMENTS

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

**EA11-003. Dunlo Rod and Gun Club**, 289 Plummer Road, Sidman, PA 15955. South Fork of the Little Conemaugh River Limestone Sand Dosing, in Adams Township, **Cambria County**, United States Army Corps of Engineers, Pittsburgh District (Beaverdale, PA Quadrangle N: 8.4 inches; W: 8.5 inches, Latitude: 40° 17' 48"; Longitude: 78° 41' 6"). The applicant proposes to utilize limestone sand applications at several locations within the South Fork Little Conemaugh River Watershed to abate acid conditions caused by abandoned mine drainage and acid precipitation. Applications of approximately 19 or 26 tons of limestone sand are proposed to be placed along two headwater watercourses, Bottle Run (HQ-CWF) and a UNT (Shanks Run (HQ-CWF)) as well as the main stem of the South Fork Little Conemaugh River below Beaverdale Reservoir Dam (Lloydell Reservoir) (EV) to improve water quality and aquatic life. In the initial year of application, the dosage of limestone sand will be 2 to 3 times greater than the aforementioned dosage, in order to prime the Watershed. The previously mentioned coordinates represent the furthest downstream point of dosing applications at the confluence of the UNT and the main stream of South Fork Little Conemaugh River. The uppermost dosing applications are proposed to occur just

downstream of the Beaverdale Reservoir Dam along the South Fork Little Conemaugh River.

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.*

**EA45-032CO. Analomink Rod & Gun Club**, P. O. Box 100, Analomink, PA 18320. Stroud Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain overtopping protection at Analomink Dam across a tributary to Brodhead Creek (HQ-CWF) for the purpose of improving public safety. The dam is located at the intersection of Metzgar Road and Cherry Lane (East Stroudsburg, PA Quadrangle Latitude: 41° 03' 37"; Longitude: 75° 13' 34"). The project will permanently impact 0.04-acre of Palustrine Emergent Wetland. The wetland is classified Exceptional Value per 25 Pa. Code § 105.17(1)(iii). Impacts are considered de minimis and wetland replacement is not required.

**ACTIONS**

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

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

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

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

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

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

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

**I. NPDES Renewal Permit Actions**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0062766 (Minor Sewage)	Henry A. Stout 6427 Saddle Road New Tripoli, PA 18066	Heidelberg Township Lehigh County	UNT to Jordan Creek 2C	Y



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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0027243 Sewage	North Huntingdon Township Municipal Authority 11265 Center Highway North Huntingdon, PA 15642	Westmoreland County North Huntingdon Township	Youghiogheny River	N
PA0024490 Sewage	Rockwood Borough 358 Market Street Rockwood, PA 15557	Somerset County Black Township	Casselman River	Y
PA0038164 Sewage	Confluence Borough Municipal Authority P. O. Box 6 Confluence, PA 15424	Somerset County Confluence Borough	Youghiogheny River	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. PA0028380**, Sewage, **Tinicum Township**, Memorial Building, 629 North Governor Printz Boulevard, Essington, PA 19029. This proposed facility is located in Tinicum Township, **Delaware County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage into Darby Creek and Long Hook Creek in Watershed 3G.

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

**NPDES Permit No. PA0027693**, Sewage, **Minersville Sewer Authority**, 2 East Sunbury Street, Minersville, PA 17954. This existing facility is located in Minersville Borough and Branch Township, **Schuylkill County**.

Description of Proposed Action/Activity: Issuance of renewed NPDES Permit for the discharge of up to 1.0 mgd of treated sewage to the West Branch Schuylkill River (State Water Plan Watershed No. 03A).

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

**NPDES Permit No. PA0101192**, Industrial Waste, **Falls Creek Borough Municipal Authority**, 117 Taylor Avenue, P. O. Box 418, Falls Creek, PA 15840. This proposed facility is located in Falls Creek Borough, **Jefferson County**.

Description of Proposed Action/Activity: Existing discharge of treated industrial waste.

**NPDES Permit No. PA0038351**, Sewage, **PHB Die Casting Inc.**, 7900 West Ridge Road, Fairview, PA 16415. This proposed facility is located in Fairview Township, **Erie County**.

Description of Proposed Action/Activity: A new NPDES permit for an existing discharge of treated sanitary wastewater and nonpolluting stormwater to Trout Run.

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

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

**WQM Permit No. 5207403**, Sewerage, **Guardian Elder Care**, 147 Old Newport Street, Nanticoke, PA 18634. This proposed facility is located in Westfall Township, **Pike County**.

Description of Proposed Action: Issuance of Water Quality Management Permit, for the construction of an equalization tank for the wastewater treatment plant which services the Milford Senior Care and Rehabilitation Center.

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

**WQM Permit No. WQG02210803**, Sewage, **Upper Allen Township**, 100 Gettysburg Pike, Mechanicsburg, PA 17055. This proposed facility is located in Upper Allen Township, **Cumberland County**.

Description of Proposed Action/Activity: Construction/Operation of sewer extension and pump station to serve new single-family residential development with 39 EDUs and one pump station, the Pennington Residential Development.

**WQM Permit No. 4407401**, Sewage, **Newton-Wayne Joint Municipal Authority**, 3055 Ferguson Valley Road, McVeytown, PA 17051. This proposed facility is located in Newton Hamilton Borough, **Wayne County**.

Description of Proposed Action/Activity: Permit approval for the construction of sewerage facilities consisting of a sewage collection system and three pump stations to convey sewage to the Mount Union Sewage Treatment Plant.

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

**WQM Permit No. 0308201**, Industrial Waste, **CNX Gas Company, LLC**, 100 Evergreen Drive, Waynesburg, PA 15370. This proposed facility is located in South Bend Township, **Armstrong County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of industrial wastewater facilities.

**WQM Permit No. 6300404-A2**, Sewerage, **Midway Sewage Authority**, P. O. Box 600, Midway, PA 15060. This existing facility is located in Cecil Township, **Washington County**.

Description of Proposed Action/Activity: Permit issuance for expansion of the Roosevelt Avenue pump station.

**WQM Permit No. 0492405-A2**, Sewerage, **David J. D'Atri**, 320 Sunset Drive, Baden, PA 15005. This existing facility is located in New Sewickley Township, **Beaver County**.

Description of Proposed Action/Activity: Permit amendment issuance.

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#### IV. NPDES Stormwater Discharges from MS4 Permit Actions

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#### V. NPDES Waiver Stormwater Discharges from MS4 Actions

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#### VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI062508002	Swingers Unlimited, LLC 9620 Donation Road Waterford, PA 16441	Erie	McKean Township	Thomas Run HQ; CWF; MF

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#### VII. Approvals to Use NPDES and/or Other General Permits

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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

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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 &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Lehman Township Luzerne County	PAG2004007025	Deer Run Realty, LLC 575 Pierce Street Suite 302 Kingston, PA 18704	Toby Creek CWF	Luzerne County Conservation District (570) 674-7991
Pittston Township Luzerne County	PAG2004008008	Nimesh Patel 815 Kidder Street Wilkes-Barre, PA 18702	Mill Creek CWF	Luzerne County Conservation District (570) 674-7991
Lower Saucon Township Northampton County	PAG2004806040	Cornerstone Developers, Inc. Attn: Steve Heiss 758 Main Street Hellertown, PA 18055	Saucon Creek CWF	Northampton County Conservation District (610) 746-1971

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Duryea Borough Luzerne County	PAG2004008009	Greater Pittston Chamber of Commerce P. O. Box 704 Pittston, PA 18640	Lackawanna River CWF	Luzerne County Conservation District (570) 674-7991
Bradford County Towanda Township	PAG2000808002	Scott R. Middendorf M. R. Dirt, Inc. R. R. 2 Box 147 Towanda, PA 18848	UNT to Towanda Creek CWF	Bradford County Conservation District Stoll Natural Resource Center R. R. 5 Box 5030C Towanda, PA 18848 (570) 265-5539, Ext. 6
Columbia County Briar Creek Borough	PAG2001908002	Thomas Wengerd Surplus Outlet 5464 US Highway 15 Montgomery, PA 17752	Briar Creek CWF	Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310, Ext. 102
Columbia County Hemlock Township	PAG2001908003	Richard T. Hardy Geisinger Health System 100 North Academy Avenue Danville, PA 17822	Little Fishing and Hemlock Creeks CWFs	Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310, Ext. 102
Washington County Cecil Township	PAG2006308013	Bill Graziani Cecil Township Baseball Authority 1028 Oakridge Road Canonsburg, PA 15317	McPherson Creek WWF	Washington County Conservation District (724) 228-6774
Westmoreland County Penn Township	PAG2006507047	Yogi Brentzel 30 Penn Towne Drive Irwin, PA 15642	Turtle Creek TSF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County East Huntingdon Township	PAG2006508002	Space-U-Rent David Landis 11 Talbot Avenue Rankin, PA 15104	Sherrick Run/Jacobs Creek WWF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Ligonier Township	PAG2006508003	Troy Miller Luther P. Miller, Inc. South Edgewood Avenue Somerset, PA 15501	Mill Creek CWF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County East Huntingdon Township	PAG2006508005	Judith Lynn-Craig 606 Wills Road Connellsville, PA 15425	Jacobs Creek WWF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Derry Township	PAG2006508009	Hafer's Auto Parts & Salvage, LLC 590 Stone Jug Road New Alexandria, PA 15670	Tributary to Loyalhanna WWF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Latrobe City	PAG2006508010	Latrobe Specialty Steel Company 2626 Ligonier Street Latrobe, PA 15650	Loyalhanna Creek WWF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County South Huntingdon Township	PAG2006508011	CH&D Enterprises, Inc. 100 Brady Place New Stanton, PA 15672	Sewickley Creek WWF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Unity Township	PAG2006508015	M & L Partners P. O. Box 11067 Pittsburgh, PA 15327	Tributary to Ninemile Run WWF	Westmoreland County Conservation District (724) 837-5271

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Butler County Adams Township	PAG2001007019	The Villages at Camp Trees Weaver Master Builders P. O. Box 449 Mars, PA 16046	UNT Breakneck Creek WWF	Butler County Conservation District (724) 284-5270
Erie County Millcreek Township	PAG2002503019R	Paul Luciano 7650 Palmer Driver Fairview, PA 16416	Mill Creek WWF, MF	Erie County Conservation District (814) 825-6403
Erie County Summit Township	PAG2002507030	Summit Walgreens Greystone Group-Hershey, Ltd. 360 Corporate Circle 30050 Chagrin Boulevard Pepper Pike, OH 44124	Lake Erie CWF	Erie County Conservation District (814) 825-6403

*General Permit Type—PAG-4**Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Concord Township Delaware County	PAG040087	George and Elyse Norton 41 Locust Farm Drive Thornton, PA 19373	UNT to West Branch of Chester Creek Watershed 3G	Southeast Regional Office 2 East Main Street Norristown, PA 19401
Thornbury Township Delaware County	PAG040092	John D. Savon 47 Carter Road Thornton, PA 19373	UNT to West Branch of Chester Creek Watershed 3G	Southeast Regional Office 2 East Main Street Norristown, PA 19401
Franklin County Fannett Township	PAG043877	Richard and Angel Wenger P. O. Box 175 Shade Gap, PA 17255	UNT West Branch Conococheague Creek WWF 13-C	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Ohioville Borough Beaver County	PAG046380	Thomas D. Wilson 101 Hummel Drive Industry, PA 15052	UNT of Upper Dry Run	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*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Upper Moreland Township Montgomery County	PAG050054	Motiva Enterprises, LLC P. O. Box 1243 Waynesboro, VA 22980-1243	UNT to Pennypack Creek	Southeast Region Office 2 East Main Street Norristown PA 19401
Doylestown Township Bucks County	PAG050056	MEA, Inc. 1365 Ackermanville Road Bangor, PA 18013	Neshaminy Creek	Southeast Region Office 2 East Main Street Norristown PA 19401

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

The State Conservation Commission (SCC) has taken the following actions on previously received applications for nutrient management plans (NMPs) 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 (NOIs) for coverage under a general permit, for concentrated animal feeding operations (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 through the Pennsylvania Relay Service at (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Environmental Hearing Board's rules of practice and procedure may be obtained from the Environmental Hearing Board. The appeal form and the Environmental Hearing Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Environmental Hearing 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 Environmental Hearing Board within 30 days. A lawyer is not needed to file an appeal with the Environmental Hearing 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 Environmental Hearing Board at (717) 787-3483 for more information.

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Application or Action</i>
Gary Miller 2146 Powell's Valley Road Halifax, PA 17032	Dauphin	1	468	Poultry-Layers	N/A	Action

**PUBLIC WATER SUPPLY (PWS)  
PERMITS**

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

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

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

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

**SAFE DRINKING WATER**

**Actions taken under the Pennsylvania Safe Drinking Water Act**

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

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**Permit No 4608509**, Public Water Supply.  
 Applicant **Hancock Realty**  
 602 East Broad Street  
 P. O. Box 432  
 Souderton, PA 18964  
 Township Marlborough  
 County **Montgomery**  
 Type of Facility PWS  
 Consulting Engineer Synergy Environmental, Inc.  
 155 Railroad Plaza  
 1st Floor  
 Royersford, PA 19468  
 Permit to Construct June 30, 2008  
 Issued

**Permit No 1508503**, Public Water Supply.  
 Applicant **Superior Water Company**  
 1885 Swamp Water Company  
 Gilbertsville, PA 19525-0525  
 Township North Coventry  
 County **Chester**  
 Type of Facility PWS  
 Consulting Engineer Entech Engineering, Inc.  
 4 South Fourth Street  
 P. O. Box 32  
 Reading, Pa 19603  
 Permit to Construct July 2, 2008  
 Issued

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

**Permit No. 5808501**, Public Water Supply.  
 Applicant **Pennsylvania American Water**  
 800 West Hersheypark Drive  
 Hershey, PA 17033  
 Harmony Township

County **Susquehanna**  
 Type of Facility PWS  
 Consulting Engineer James P. Connor, P. E.  
 Pennsylvania American Water  
 100 Pennsylvania Avenue  
 Wilkes-Barre, PA 18701  
 Permit to Construct June 30, 2008  
 Issued

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

**Operations Permit** issued to **Ridgway Township Municipal Authority**, PWSID No. 6240022, Ridgway Township, **Elk County**. Operations Permit issued July 1, 2008, for the water service extension project to the Upper Boot Jack area; including 278,000 gallon Boot Jack Tank; 256,000 gallon Industrial Park Tank and new Fairview Booster Pump Station. Issued in accordance to specifications approved by Construction Permit Number 2404501, issued September 1, 2005.

**Transfer of Operations Permit** issued to **William and Cinda Fichter, Hemlock Mobile Home Park**, PWSID No. 6430072, Wolf Creek Township, **Mercer County**. Permit Number 4303503-T1, issued July 7, 2008, for operation of the public water system servicing Hemlock Mobile Home Park, according to specifications approved by Construction/Operation Permit Number 4303503, issued October 28, 2004.

#### SEWAGE FACILITIES ACT PLAN APPROVAL

#### Plan Approvals Granted under section 5 of the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

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

##### Plan Location:

Borough or Township	Borough or Township Address	County
Fairview Township	Fairview Township 7471 McCray Road Fairview, PA 16415	Erie

*Plan Description:* The approved plan provides for the extension of sanitary sewers to the subdivisions of Princess Avenue and Sunnydale, utilization of the Township's MS4 Stormwater Sampling Program to continue monitoring unsewered areas and addressing inflow/infiltration in the existing sanitary sewer system. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

### HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

#### Proposed Interim Response

#### Lenape Manufacturing HSCA Site, East Rockhill Township, Bucks County.

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1305) (HSCA), is proposing an Interim Response at the Lenape Manufacturing HSCA Site (Site) in East Rockhill Township, Bucks County, Pennsylvania.

The Department, under the authority of HSCA, is conducting an investigation of the Site. This investigation includes the sampling of private drinking water supply wells located in the vicinity of the former Lenape Manufacturing facility at 1803 North 5th Street, Perkasio, PA. Approximately 55 wells are contaminated or may potentially become contaminated with detectable levels of Trichloroethene (TCE). Tetrachloroethene (PCE) and breakdown products of TCE were also detected in some of the wells, but TCE is the primary contaminant of concern.

To address the release and threat of release of hazardous substances at the Site, and corresponding threats to human health and the environment, the Department proposes a response action at the Site under section 501(a) of HSCA (35 P. S. § 6020.501(a)). The Department hereby proposes the installation of a waterline, including water mains and lateral connections to the public water supply. This proposed alternative complies with Applicable, Relevant and Appropriate Requirements (ARARs) and is feasible and cost-effective. Other possible alternatives include no action or the installation and continued monitoring and maintenance of whole-house carbon filtration units and/or supplying bottled water.

An Administrative Record, which contains more detailed information concerning this proposed response action, is available for public inspection. The Administrative Record may be examined from 8 a.m. until 4 p.m. at the Department's office at 2 East Main Street, Norristown PA 19401. Those interested in examining the Administrative Record should contact Natalie Huff at (484) 250-5722 to arrange for an appointment. An additional copy of the Administrative Record is available for review at the East Rockhill Township Municipal Building at 1622 Ridge Road, Perkasio, PA 18944.

Under section 506(d) of HSCA (35 P. S. § 6020.506(d)), the Department shall conduct a public hearing on September 15, 2008, at 7 p.m. in the cafeteria of the Bucks County Community College Upper Bucks Campus, 1 Hillendale Road in Perkasio. Anyone who would like to present formal oral comments regarding this Interim Response may do so by registering with the Department before the meeting. Individuals may register by calling the Department's Community Relations Coordinator, Lynda Rebarchak, at (484) 250-5820.

Any person with a disability who wishes to attend the public hearing and will require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Lynda Rebarchak at the telephone number listed above or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs. The public may also submit written comments regarding the Department's proposed Interim Response action during the period of public comment. In accordance with section 506(c) of HSCA, the Department has established a period for public comment that is now open until close of business October 20, 2008. Written comments should be addressed to Natalie Huff, Project Officer, Pennsylvania Department of Environmental Protection, 2 East Main Street, Norristown, PA 19401.

Anyone with questions regarding this notice should contact Natalie Huff at (484) 250 5722.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 2

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

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a Site-Specific Standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

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

**Defense Supply Facility**, City of Philadelphia, **Philadelphia County**. Gary R. Brown, P. E., RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Jonathan Zich, Defense Realty, LLC, 575 Lexington Avenue, Suite 3200, New York, NY 10022 has submitted a Remedial Investigation/ Cleanup Plan concerning remediation of site Groundwater contaminated with jet fuel. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**905 Louis Drive Property**, Warminster Township, **Montgomery County**. Michael Nines, Manko, Gold, Katcher & Fox, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004 on behalf of Kevin Kroiz, 905 Louis Associates, LP, 505 West Germantown Pike, Suite 200,

Plymouth Meeting, PA 19462 has submitted a Final Report concerning remediation of site groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Background Standard and Statewide Health Standard.

**Imperial Plaza Shopping Center**, City of Philadelphia, **Philadelphia County**. John W. Fowler, GZA Geo Environmental, Inc., 501 Office Center Drive, Suite 220, Fort Washington, PA 19034 on behalf of John Liang, Imperial Aramingo, LLP, c/o Lerner-Heidenberg Properties, 234 Closter Dock Road, Closter, NJ 07624 has submitted a Final Report concerning remediation of site groundwater contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Site-Specific Standard.

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

**Former Ballard/Kara Property**, Butler Township, **Luzerne County**. Richard Karr, MACTEC Engineering and Consulting, Inc., 5205 Militia Hill Road, Plymouth Meeting, PA 19462, has submitted a Final Report (on behalf of his client, Amarjit Grewal, 193 Route 17 North, Mahwah, NJ 07430), concerning the remediation of soils and groundwater found to have been impacted by petroleum constituents and chlorinated solvents. The report was submitted to document attainment of the Statewide Health Standard and the Background Standard for soils and groundwater. A public notice regarding the submittal of the Final Report is expected to be published in *The Standard Speaker* before July 15, 2008.

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

**Getty Service Station No. 67627**, Hanover Borough, **York County**. The Tyree Company, 2702 Cindel Drive, Suite 7, Cinnaminson, NJ 08077-2035, on behalf of Getty Petroleum Marketing, Inc., 86 Doremus Avenue, Newark, NJ 07105, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to the Statewide Health Standard.

**350 North Duke Street/Sovereign Bank Stadium**, York City, **York County**. Spotts, Stevens, and McCoy, Inc., 1047 North Park Road, P. O. Box 6307, Reading, PA 19601, on behalf of Redevelopment Authority of the County of York, 144 Roosevelt Avenue, Suite 100, York, PA 17404-3333, submitted a combined remedial investigation and Final Report concerning remediation of site soils and groundwater contaminated by No. 2 fuel oil. The report is intended to document remediation of the site to a combination of Statewide Health and Site-Specific Standards.

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

**Former Lehigh Valley Railroad Maintenance Facility**, Sayre Borough, **Bradford County**, KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of Brian Driscoll, 1 Progress Plaza, Towanda, PA 18848 has submitted a Risk Assessment and Cleanup Plan concerning remediation of site soil and groundwater contaminated with organics (TCE) in groundwater, LNAPL contamination in a confined area (diesel fuel), metals (lead) in drainage swales. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Growmark F.S., Inc. (Pleasant Gap Crop Center)**, Spring Township, **Centre County**. Groundwater Sciences

Corp., 2601 Market Place Street, Suite 310, Harrisburg, PA 17701 on behalf of Growmark F.S., Inc., 308 NE Front Street, Milford, DE 19963 has submitted a Remedial Investigation Report, Risk Assessment Report and a Cleanup Plan concerning remediation of site soil and groundwater contaminated with herbicides and fertilizers. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Proposed Rite Aid—Clearfield**, Clearfield Borough, Clearfield County, Converse Consultants, 2738 West College Avenue, State College, PA 16801 on behalf of Clearfield Commercial Properties, LP, 1 Atlantic Avenue, Pittsburgh, PA 15202 has submitted a Remedial Investigation Report and a Risk Assessment Report concerning remediation of site soil and groundwater contaminated with petroleum constituents and chlorinated compounds. The reports are intended to document remediation of the site to meet the Site-Specific Standard.

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

**Armco Sawhill Tube (John Maneely Company—Sharon Pipe Plant)**, City of Sharon, Mercer County. The Payne Firm, 11231 Cornell Park Drive, Cincinnati, OH 45242 on behalf of John Maneely Company, 1 Council Avenue, Wheatland, PA 16161 has submitted a Remedial Investigation Report concerning remediation of site soil contaminated with ethyl benzene, tetrachlorethene, trichloroethene, xylenes (total), benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, dibenzofuran, naphthalene, N-nitroso-di-n-propylamine, Aroclor-1248, Aroclor-1254, antimony, arsenic, cadmium, chromium (total), cobalt, lead, mercury, selenium, zinc and site groundwater contaminated with 1,2,4-Trichlorobenzene, 1,4-Dichlorobenzene, 2,3,7,8-TCDD equivalent, benzene, chlorobenzene, cis-1,2-dichloroethene, tetrachloroethene, trichloroethene, vinyl chloride, 2-Picoline, benzo(a)pyrene, bis(2-Ethylhexyl)phthalate, dibenz(a,h)anthracene, phenanthrene, Aroclor-1242, Aroclor-1254, Aroclor-1260, antimony, arsenic, barium, beryllium, cadmium, chromium III, chromium VI, copper, lead, manganese, mercury, nickel, selenium, sulfate, thallium and zinc. The report is intended to document remediation of the site to meet the Site-Specific Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling

methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a Site-Specific Standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

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

**Monroe Office Building—LAD Presidential III**, City of Philadelphia Philadelphia County. Gerald Kirkpatrick, Environmental Standards, Inc., 1140 Valley Forge Road, P. O. Box 810, Valley Forge, PA 19482 on behalf of George David, Jr., L.A.D. Presidential II, LP, One Winding Drive, Suite 202, Philadelphia, PA 19131 has submitted a Remedial Investigation, Cleanup Plan and Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Remedial Investigation, Cleanup Plan and Final Report was approved by the Department of Environmental Protection on May 2, 2008.

**Goshen Terrace Apartments**, West Goshen Township, Chester County. David Fenimore, Earth Data North-East, 924 Springdale Drive, Exton, PA 19244 on behalf of Steve Berger, Pennsylvanian Management Corporation, P. O. Box 1036, Blue Bell, PA 19244 has submitted a Final Report concerning the remediation of site groundwater contaminated with chlorinated solvents and mtbe and unleaded gasoline. The Final Report did not demonstrate attainment of the Site-Specific Standard and was disapproved by the Department Environmental Protection on May 28, 2008.

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

**Former SKF USA, Inc. Facility**, City of Altoona, Blair County. Environmental Standards, Inc., 1140 Valley Forge Road, Valley Forge, PA 19482-0810, on behalf of



SKF USA, Inc., 1111 Adams Avenue, Norristown, PA 19403-2403 and 800 Logan Boulevard, LP, P. O. Box 2566, Altoona, PA 16603, submitted a combined remedial investigation, risk assessment and Final Report concerning remediation of site groundwater impacted by petroleum hydrocarbons and chlorinated solvents from both onsite and offsite sources. The combined reports demonstrated attainment of the Site-Specific Standard and were approved by the Department Environmental Protection (Department) on July 3, 2008. The site is enrolled in the One Cleanup Program between the Department and EPA.

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

**Sel Lo Oil, Inc., I80 Exit 123 Accident**, Bradford Township, **Clearfield County**. Mountain Research, Inc., 825 Twenty-Fifth Street, Altoona, PA 16601 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with diesel/kerosene blend of fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on June 26, 2008.

#### HAZARDOUS WASTE TREATMENT, STORAGE & DISPOSAL FACILITIES

**Draft permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage or Disposal Facility.**

*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.*

**PAD002292068. Rohm and Haas Chemicals LLC**, 200 Route 413, Bristol PA 19007, Bristol Township, **Bucks County**. Draft permit prepared for renewal of the Rohm and Haas Chemicals, LLC,—Bristol Facility. Public comment period ends 45 days after date of this publication. Draft permit and fact sheet available at the Southeast Regional Office. Written comments may be sent to the Southeast Regional Office at the address noted. Draft permit issued on July 2, 2008.

#### AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

**39-329-012GP9: Department of Public Welfare—Allentown State Hospital** (1600 Hanover Avenue, Allentown, PA 18109-2408) on June 25, 2008, to install and operate a Diesel I/C Engine at their site Allentown, **Lehigh County**.

**40-302-168GP1: Luzerne County Government** (200 North River Street, Wilkes-Barre, PA 18711) on June 12, 2008, to operate two boilers at their site in Wilkes-Barre, **Luzerne County**.

**40-302-169GP1: HCSC Laundry** (Rear 310 Market Street, Kingston, PA 18704) on June 17, 2008, to operate one boiler at their site in Kingston Borough, **Luzerne County**.

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

**GP1-36-03174: EnergyWorks Lancaster, LLC** (800 Plaza Boulevard, Lancaster, PA 17601) on June 30, 2008, for Small Gas and No. 2 Oil Fired Combustion Units under GP1 in the City of Lancaster, **Lancaster County**.

**GP2-21-05027B: Gulf Oil Limited Partnership** (275 Washington Street, Suite 300, Newton, MA 2458) on July 3, 2008, for Storage Tanks for Volatile Organic Liquids under GP2 in Hampden Township, **Cumberland County**.

**GP3-28-03047B: Valley Quarries, Inc.** (169 Quarry Road, Chambersburg, PA 17201) on June 26, 2008, for Portable Nonmetallic Mineral Processing Plant under GP3 in St. Thomas and Peters Townships, **Franklin County**.

**GP9-06-03095A: Directlink Technologies Corporation** (2561 Bernville Road, Reading, PA 19612) on June 30, 2008, for Diesel or No. 2 Fuel-fired Internal Combustion Engines under GP 9 in Bern Township, **Berks County**.

**GP9-07-05004: Eldorado Properties Corporation** (P. O. Box 2621, Harrisburg, PA 17105-2621) on June 27, 2008, for Diesel or No. 2 Fuel-fired Internal Combustion Engines under GP9 in Allegheny Township, **Blair County**.

**GP14-67-03150: Wetzel Funeral Home, Inc.** (549 Carlisle Street, Hanover, PA 17331) on July 1, 2008, for Human or Animal Crematories under GP14 in Hanover Borough, **York County**.

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

**GP5-41-01: Chief Gathering, LLC** (6051 Wallace Road Extension, Wexford, PA 15090) on June 25, 2008, for the construction and operation of a 670 brake horsepower natural gas-fired reciprocating internal combustion compressor engine and a glycol dehydrator under the General Plan Approval And/Or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at the Canoe Run Compressor Site in Mifflin Township, **Lycoming County**.

**GP5-41-02: Chief Gathering, LLC** (6051 Wallace Road Extension, Wexford, PA 15090) on June 25, 2008, for the construction and operation of a 670 brake horsepower natural gas-fired reciprocating internal combustion compressor engine and a glycol dehydrator under the General Plan Approval And/Or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at the Barto Compressor Site in Penn Township, **Lycoming 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.*

**GP5-30-00169A(GP-5): Atlas Pipeline Pennsylvania, LLC** (1550 Coraopolis Heights Road, 2nd Floor, P. O. Box 611, Moon Township, PA 15108) on July 7, 2008, to install and operate one 1,085 bhp lean burn Caterpillar natural gas-fired Compressor Engine, Model No. G3516LE and one 500,000 Btu Exterran Glycol Dehydrator and the continued operation of one 633 bhp lean burn Caterpillar natural gas-fired Compressor Engine, Model

No. G3508LE, at their Ceylon Compressor Station in Cumberland Township, **Greene County**.

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

**GP-20-299A: Kastle Resources Enterprises, Inc.—Pierpont Compressor Station** (Partch Road and Route 198, Linesville, PA 16424) on June 30, 2008, for a natural gas fired compressor engine (BAQ-GPA/GP-5) in Beaver Township, **Crawford County**.

**Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

**48-313-100A: Ecopax, LLC** (3600 Glover Road, Easton, PA 18040) on July 7, 2008, to construct an additional polystyrene foam extrusion line in Forks Township, **Northampton County**.

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

**67-02004B: P. H. Glatfelter Co.** (228 South Main Street, Spring Grove, PA 17362) on June 20, 2008, for approval of a case-by-case RACT plan in Spring Grove Borough, **York County**.

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

**55-00001C: Sunbury Generation, LP** (Old Trail Road, P. O. Box 517, Shamokin Dam, PA 17876), issued plan approval on June 13, 2008, for the construction and operation of a wet flue gas desulfurization system to control the SO<sub>x</sub> emissions from the facility's existing six coal fired utility boilers, the replacement of the four existing pressurized type baghouses that control the PM emissions from existing boilers 1A, 1B, 2A and 2B with new balanced draft pulse jet type fabric filters and the construction and operation of a limestone handling and storage operation along with a gypsum dewatering and handling system at their facility located in Shamokin Dam Borough, **Snyder County**.

**55-00002B: Department of Public Welfare** (1401 North 7th Street, Harrisburg, PA 17105-2675), issued plan approval on June 16, 2008, for the construction and operation of three flue gas recirculation systems including three multiclone collectors to control the PM emissions from the facility's existing three coal fired boilers at their Selinsgove Center facility located in Penn Township, **Snyder County**.

**49-00060A: Corson Asphalt, Inc.** (26 Beaver Street, Cogan Station, PA 17728), issued plan approval on June 20, 2008, for the reactivation and operation of a batch mix asphalt plant at their facility located in Ralpho Township, **Northumberland County**. The PM emissions from the aggregate dryer, the elevator, hot mix bins and the mixer will be controlled by the proposed cyclone and fabric collector.

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

**43-036A: Hodge Foundry, Inc.**, (42 Leech Road, Greenville, PA 16125-0550) on June 2, 2008, to increase the usage of resin and catalyst in the production of cores and molds, in Hempfield Township, **Mercer 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.*

**15-0004F: Reynolds Packaging, LLC** (520 Lincoln Avenue, Downingtown, PA 19335) on June 30, 2008, to operate a replacement of unwind stand in Downingtown Borough, **Chester County**.

**15-0015C: Sartomer Company, Inc.** (502 Thomas Jones Way, Exton, PA 19341) on June 30, 2008, to operate a control device in West Chester Borough, **Chester County**.

**46-0005AA: Merck & Co., Inc.** (Sumneytown Pike, P. O. Box WP20, West Point, PA 19486 ) on June 30, 2008, to operate a disinfectant operations in Upper Gwynedd Township, **Montgomery County**.

**46-0005AC: Merck & Co., Inc.** (770 Sumneytown Pike, P. O. Box 4, WP20208 West Point, PA 19486-0004) on June 30, 2008, to operate a shell freezer in Upper Gwynedd Township, **Montgomery County**.

**46-0259: PPL Renewable Energy, LLC** (2 North Ninth Street, Allentown, PA 18101) on June 30, 2008, to operate a natural fired reciprocating internal combustion engine in Whitmarsh Township, **Montgomery County**.

**46-0248: Pottstown Borough Authority** (100 East High Street, Pottstown, PA 19464) on June 30, 2008, to operate a thermal fluid dryer in Pottstown, Borough, **Montgomery County**.

**09-0189: Eureka Stone Quarry, Inc.** (P. O. Box 249, Chalfont, PA 18914-0249) on July 1, 2008, to operate a dust suppression system in Warrington Township, **Bucks County**.

**23-0082: Liberty Electric Power, LLC** (1000 Industrial Highway, Eddystone, PA 19022) on July 7, 2008, to operate a combined cycle power plant in Eddystone Borough, **Delaware County**.

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

**12-399-018: Quality Compacted Metals, Inc.** (214 South Broad Street, Emporium, PA 15834) on June 30, 2008, to extend the authorization to operate a sintered powdered metals products rust inhibitor dip coating operation on a temporary basis to December 27, 2008, in Emporium Borough, **Cameron County**.

**49-00007E: Cherokee Pharmaceuticals, LLC** (P. O. Box 367, Riverside, PA 17868) on June 6, 2008, to extend the authorization to operate under the VOC plantwide applicability limit and revised best available technology standards on a temporary basis until December 13, 2008, at the facility in Riverside Borough, **Northumberland County**.

**08-00003D: CraftMaster Manufacturing, Inc.** (P. O. Box 311, Shiner Road, Towanda, PA 18848) on June 11, 2008, to extend the authorization to operate a cyclonic

separator on the Line I Press on a temporary basis until December 23, 2008, and to extend the required PM stack testing until October 24, 2008, at the facility in Wysox Township, **Bradford County**.

**41-00005E: Lycoming Engines** (652 Oliver Street, Williamsport, PA 17701) on June 11, 2008, to revise the identity of the perchloroethylene degreaser (Source ID P236) to an air chilled unit. The revision also extends the authorization to operate the perchloroethylene degreaser on a temporary basis until October 9, 2008, at the facility in Williamsport, **Lycoming County**.

**08-00003E: CraftMaster Manufacturing, Inc.** (P. O. Box 311, Shiner Road, Towanda, PA 18848) on June 26, 2008, to extend the authorization to operate a regenerative thermal oxidizer on the Die Form Tempering Kiln on a temporary basis to January 12, 2009 and to extend the required VOC, CO and NOx stack testing until October 1, 2008, at the facility in Wysox Township, **Bradford County**.

**53-00001C: Tennessee Gas Pipeline Company** (197 Tennessee Road, Coudersport, PA 16915), located in Hebron Township, **Potter County**, on June 20, 2008, to extend the authorization to temporarily operate a natural gas-fired internal combustion engine (Source ID P111) an additional 120 days from July 12, 2008, to November 9, 2008, and to extend the required CO and NOx stack testing date until August 11, 2008.

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

**PA-56-00025F: New Enterprise Stone and Lime** (P. O. Box 77, New Enterprise, PA 16664) on July 1, 2008, to install processing equipment and submittal of operating permit for their Bakersville Quarry and stone processing plant in Jefferson Township, **Somerset County**. This plan approval was extended 180 days and will expire December 28, 2008.

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

**24-083D: Carbone of America—Graphite Materials Division** (1032 Trout Run Road, St. Marys, PA 15857) on June 30, 2008, to construct a CBH Kiln in Benzinger Township, **Elk County**.

**24-123E: Veolia ES Solid Waste of North America** (635 Toby Road, Kersey, PA 15846) on June 30, 2008, to install an additional enclosed ground flare (6,000 cfm) similar in design to the existing flares in Fox Township, **Elk County**. This is a Title V facility.

**25-029A: Erie Coke Corp.** (Foot of East Avenue, Erie, PA 16512-6180) on May 31, 2008, to install a replacement absorber that is part of the coke gas desulfurization system in Erie City, **Erie County**.

**25-648C: NEPA Energy, LP** (10915 Ackerman Lane, North East, PA 16428) on March 31, 2008, for derating of the ABCO boiler from 126 mmBtu/hr to 99 Btu/hr and the addition of a center fired gas gun for low load operation at the North East Steam Ammonia Plant in north East Township, **Erie County**.

**33-175A: Matson Lumber Co.** (132 Main Street, Brookville, PA 15825) on June 30, 2008, to construct a wood fired boiler in Union Township, **Jefferson County**.

**42-00C4: American Refining Group, Inc.** (77 North Kendall Avenue, Bradford, PA 16701) on May 31, 2008, to

construct a new hydrotreater unit to enable ARG to produce diesel fuels for commercial sale that meet the ultra low sulfur standards required by the EPA and for the construction of a desulfurization unit to convert the existing sour gas to a sweet gas as well as reducing H<sub>2</sub>S from the hydrotreater to elemental sulfur in the City of Bradford, **McKean County**. This is a Title V facility.

**62-032B: Ellwood National Forge—Irvine Plant** (One Front Street, PO Box 303, Irvine, PA 16329) on February 28, 2008, to install a new ladle furnace and increase production from 46,200 tpy to 150,000 tpy at their facility in Brokenstraw Township, **Warren County**.

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

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*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.*

**36-05018: Lasco Bathware, Inc.** (40 Industrial Road, Elizabethtown, PA 17022-9425) on June 25, 2008, to operate a bathware manufacturing facility in West Donegal Township, **Lancaster County**. This is a renewal of the Title V operating permit.

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

**24-00120: Dominion Transmission, Inc.** (625 Liberty Avenue, Pittsburgh, PA 15222-3199) on July 2, 2008, to reissue a Title V Operating Permit to operate a natural gas compressor station in Benezette Township, **Elk County**. The primary emission sources include two natural gas fueled boilers, a combustion turbine, an natural gas fueled auxiliary generator, five microturbines, two natural gas fueled engines and miscellaneous storage tanks.

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

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

**01-03002: Vulcan Construction Materials, LP** (5601 Iron Bridge Parkway, Chester, VA 23831) on July 2, 2008, to operate a limestone crushing plant at their Hanover Quarry in Oxford Township, **Adams County**. This is a renewal of the State-only operating permit.

**01-05018: McClarin Plastics, Inc.** (P. O. Box 486, 15 Industrial Drive, Hanover, PA 17331-0486) on June 23, 2008, to operate their reinforced plastic composites (fiber-glass) product manufacturing facility in Conewago Township, **Adams County**. This is a renewal of the State-only operating permit.

**05-05024: JLG Industries, Inc.** (1 JLG Drive, McConnellsburg, PA 17233-9502) on June 26, 2008, to operate three paint spray booths and associated equipment at their Weber Lane Facility in Bedford Township, **Bedford County**.

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

**55-00017: Modular Structures of PA, Inc.** (1910 North Old Trail, Selinsgrove, PA 17870) on June 2, 2008,

for the operation of a modular home manufacturing facility in Monroe Township, **Snyder County**.

**18-00016: Pine Creek Veterinary Associates, PC** (HC 80, Box 41, Lock Haven, PA 17745) on June 24, 2008, for the operation of a veterinary hospital (Susque Valley Hospital) in Pine Creek Township, **Clinton County**.

**55-00018: Cherry Hill Hardwoods, Inc.** (3150 Middle Road, Richfield, PA 17086-9622), issued State-only operating permit on July 3, 2008, for their facility in West Perry Township, **Snyder County**. The facility's main sources include one wood-fired boiler, one oil-fired boiler, wood working equipment, one lumber predryer and four lumber drying kilns. The State-only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**41-00049: David R. Webb Co., Inc.** (240 North Reach Road, Williamsport, PA 17701), issued State-only operating permit on May 14, 2008, for their veneer mill facility in City of Williamsport, **Lycoming County**. The facility's main sources include two wood fired boilers, one natural gas fired boiler, one space heater, one parts washer and various veneer mill operations. The State-only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

**42-00117: Zippo Manufacturing Co.** (Congress Street Extension, Bradford, PA 16701) on July 1, 2008, for a Natural Minor Permit to operate a fabricated metal products facility in Bradford Township, **McKean County**. Emissions sources associated with this facility include two 200 hp and one 100 hp natural gas boilers, surface imprint operations, new chrome evaporator, plating machine, automatic hoist plating lines (2), burn off oven, edge buffing and six polishing lathes, old and new high polish buffing machine, acme edge buffing machine, emergency generators (4), centrifugal parts washer, rack coating curing oven and epoxy ovens 1 and 2 (2). The facility is natural minor because the emission of pollutants is less than the Title V emission threshold.

**42-00198: Elkhorn Gas Processing, LLC—Kane Plant** (6307 Route 6, PA 16735) on June 30, 2008, to reissue a natural minor permit to operate a gas processing plant in Wetmore Township, **McKean County**. The major sources included, oil-medium heater, two 800 hp compressor engines, one 365 hp compressor engine, equipment leaks, glycol regenerator and three storage tanks and loading. The facility is natural minor because the emission of pollutants from the facility is less than the Title V emission threshold.

**43-00284: Xaloy, Inc.—F. R. Gross Company, Inc.** (40 Council Avenue, Wheatland, PA 16161) on July 1, 2008, the Department reissued a Natural Minor Operating Permit for this chrome plating facility in the Borough of Wheatland, **Mercer County**. The facility's primary emissions are from two Hard Chromium Electroplating processes.

**43-00349: Valley Can, Inc.** (1264 Fredonia Road, Hadley, PA 16130) on June 19, 2008, to reissue a State-only permit to operate a metal fabrication plant in Perry Township and **Mercer County**. The facility manufactures fabricated dumpster, metal can, box and other light gauge metal container for waste disposal. The facility's major emission sources include spray paint booth, welding and cutting operations. This facility is

natural minor because the emission of pollutants is less than the Title V emission threshold.

**61-00122: Seneca Hardwood Lumber Co., Inc.** (212 Seneca Hardwood Road, Cranberry, PA 16319) on July 1, 2008, the Department of Environmental Protection reissued the Natural Minor Operating Permit for the operation of the facility's air contamination source consisting of: a 10.3 mmBtu/hr wood-fired boiler, a 8.4 mmBtu/hr wood/natural gas-fired boiler, wood working operations, one cold cleaning machine and six wood-drying kilns located in the Rockland Township, **Venango 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.**

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

**55-00005: Wood-Mode, Inc.,** (1 Second Street, Route 522, Kreamer, PA 17833), issued a revised operating permit on May 16, 2008, for the wood furniture manufacturing facility located in Middlecreek Township, **Snyder County**. The revision of this operating permit incorporates an extension of stack testing due dates for wood waste handling and woodworking operations from April 26, 2008, to June 30, 2008. This Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).**

### *Coal Permits Actions*

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

**Permit Number 30841316 and NPDES Permit # PA0213535, Consol Pennsylvania Coal Company,** (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to revise the permit for the Bailey Mine and Prep Plant in Richhill Township, **Greene County** to install the Crabapple Overland Belt, Surface Acres Proposed 263.0. No additional discharges. Application received December 23, 2005. Permit issued June 30, 2008.

**Permit Number 30841314 and NPDES Permit # PA0215368, Dana Mining Company of Pennsylvania, LLC,** (308 Dents Run Road, Morgantown, WV 26501), to

transfer the permit for the Titus Mine in Dunkard Township, **Greene County** and related NPDES permit from Dana Mining Company of Pennsylvania, Inc. No additional discharges. Application received October 31, 2007. Permit issued July 1, 2008.

**Permit Number 11981701 and NPDES Permit # PA0215139, Easter Associated Coal, LLC**, (P. O. Box 1233, Charleston, WV 25324), to renew the permit for the Colver Mine Treatment Facility in Blacklick Township, **Cambria County** and related NPDES permit. No additional discharges. Application received April 21, 2008. Permit issued July 7, 2008.

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

**17000107 and NPDES No. PA0242951. Shud's Coal Hounds, Inc.** (5757 Green Acre Road, Houtzdale, PA 16651), permit renewal for the continued operation and restoration of a bituminous surface mine in Woodward and Bigler Townships, **Clearfield County**, affecting 167.8 acres. Receiving streams: UNT to Morgan Run and Goss Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 14, 2008. Renewal issued June 25, 2008.

**17050108 and NPDES No. PA0256277. King Coal Sales, Inc.** (P. O. Box 712, Philipsburg, PA 16866). Revision of an existing bituminous surface mine for Incidental Boundary Correction of 6.9 acres in Graham Township, **Clearfield County**, affecting 91.2 acres. Receiving stream: Moravian Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 12, 2008. Revision issued June 25, 2008.

*Noncoal Permits Actions*

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

**04910301 and NPDES Permit No. PA0592358. Jerart, Inc.** (P. O. Box 153, Baden, PA 15005-0153). Permit revised to add 2.1 acres at an existing noncoal surface mining site located in Harmony Township, **Beaver County**, now affecting 28.3 acres. Receiving stream: Legionville Run. Application received May 22, 2008. Revised permit issued July 1, 2008.

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

**14990301 and NPDES No. PA0242781. Glenn O. Hawbaker, Inc.** (711 East College Avenue, Pleasant Gap, PA 16823), renewal of NPDES permit in Rush Township, **Centre County**. Receiving streams: UNT to Moshannon Creek. There are no potable water supply intakes within 10 miles downstream. NPDES Renewal application received November 20, 2006. Renewal issued June 25, 2008.

*Small Noncoal Permit—Final Bond Release*

**14030803. Richard B. Taylor** (2452 South Eagle Valley Road, Julian, PA 16844). Noncoal mining operation in Union Township, **Centre County**. Restoration of 2.0 acres completed. Receiving streams: Bald Eagle Creek, tributary to West Branch Susquehanna River. Application received: June 23, 2008. Final Bond Release issued June 30, 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*

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

**28084115. R & M Excavating**, 403 Hilltop Road, Newburg, PA 17240-9202, blasting activity permit issued for residential development in Washington Township, **Franklin County**. Blasting activity permit end date is June 20, 2009. Permit issued June 24, 2008.

**21084136. Douglas Explosives, Inc.**, P. O. Box 77, Philipsburg, PA 16866-0077, blasting activity permit issued for residential development in South Middleton Township, **Cumberland County**. Blasting activity permit end date is June 25, 2009. Permit issued June 24, 2008.

**34084103. Dyno Nobel, Inc.**, 1320 Galiffa Drive, Donora, PA 15033, blasting activity permit issued for pipeline development in Lack and Tuscarora Townships, **Juniata County**. Blasting activity permit end date is March 30, 2009. Permit issued June 24, 2008.

**44084103. Dyno Nobel, Inc.**, 1320 Galiffa Drive, Donora, PA 15033, blasting activity permit issued for pipeline development in Bratton, Granville and Oliver Townships, **Mifflin County**. Blasting activity permit end date is March 30, 2009. Permit issued June 24, 2008.

**31084102. Dyno Nobel, Inc.**, 1320 Galiffa Drive, Donora, PA 15033, blasting activity permit issued for pipeline development in Jackson Township, **Huntingdon County**. Blasting activity permit end date is March 30, 2009. Permit issued June 24, 2008.

**21084137. Warrens Excavating & Drilling, Inc.**, P. O. Box 1022, Honey Brook, PA 19344-0902, blasting activity permit issued for residential development in Silver Spring Township, **Cumberland County**. Blasting activity permit end date is June 15, 2009. Permit issued June 27, 2008.

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

**04084002. KESCO, Inc.** (P. O. Box 95, Adrian, PA 16201). Blasting Activity Permit for construction of the Freedom Crossing located in New Sewickley Township, **Beaver County**, with an expected duration of 180 days. Permit issued July 1, 2008.

**26084002. Shallenberger Construction** (2611 Memorial Avenue, Connellsville, PA 15425). Blasting Activity Permit for construction of the Steve No. 5 Atlas Well site, located in Springhill Township, **Fayette County**, with an expected duration of 180 days. Permit issued July 1, 2008.

**63084005. Alex E. Paris Contractor** (P. O. Box 369, Atlasburg, PA 15004). Blasting Activity Permit for construction of the Houston Natural Gas Plant, located in Chartiers Township, **Washington County**, with an expected duration of 1 year. Permit issued July 3, 2008.

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

**42084006. Appalachian Geophysical Services, LLC** (2659 SR 60, P. O. Box 425, Killbuck, OH 44637-0426) Blasting activity permit for well exploration in Norwich Township, **McKean County**. This blasting activity permit will expire on December 31, 2008. Application received May 27, 2008. Permit issued June 30, 2008.

**27084003. Pennsylvania General Energy** (120 Market Street, Warren, PA 16365) Blasting activity permit for stone removal in Jenks Township, **Forest County**. This blasting activity permit will expire on June 30, 2009. Application received June 27, 2008. Permit issued June 30, 2008.

**42084007. Enerest Operating** (22811 Titusville Road, Pleasantville, PA 16341) Blasting activity permit stone removal in Otto Township, **McKean County**. This blasting activity permit will expire on June 30, 2009. Application received June 27, 2008. Permit issued June 30, 2008.

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

**46084116. Brubacher Excavating, Inc.**, (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Pope John Paul II High School in Upper Providence Township, **Montgomery County** with an expiration date of June 20, 2009. Permit issued June 27, 2008.

**06084116. Horst Drilling & Blasting, Inc.**, (141 Ranck's Church Road, New Holland, PA 17557), construction blasting for Love's Truck Stop in Upper Bern Township, **Berks County** with an expiration date of November 1, 2008. Permit issued June 30, 2008.

**36084179. Keystone Blasting Service**, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Comfort Suites Motel in East Lampeter Township, **Lancaster County** with an expiration date of December 30, 2008. Permit issued June 30, 2008.

**36084180. Keystone Blasting Service**, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for single dwelling at the Randy Wolgemuth Project in West Hempfield Township, **Lancaster County** with an expiration date of August 30, 2008. Permit issued June 30, 2008.

**39084112. Warren's Excavating & Drilling, Inc.**, (P. O. Box 1022, Honey Brook, PA 19344), construction blasting at Olympic Ridge Development in Lower Macungie Township, **Lehigh County** with an expiration date of June 15, 2009. Permit issued June 30, 2008.

**13084103. Hayduk Enterprises, Inc.**, (257 Riverside Drive, Factoryville, PA 18419), construction blasting at Laurelwoods At Big Boulder Development in Kidder Township, **Carbon County** with an expiration date of July 31, 2009. Permit issued July 1, 2008.

**15084109. J. Roy's, Inc.**, (Box 125, Bowmansville, PA 17507), construction blasting at Whiteland Commons Development in East Whiteland Township, **Chester County** with an expiration date of June 30, 2009. Permit issued July 1, 2008.

**35084114. Holbert Explosives, Inc.**, (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting at Covington Industrial Park in Covington Township, **Lackawanna County** with an expiration date of July 1, 2009. Permit issued July 1, 2008.

**36084181. Warren's Excavating & Drilling, Inc.**, (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Veranda Development in East Hempfield

Township, **Lancaster County** with an expiration of June 15, 2009. Permit issued July 4, 2008.

**36084182. Warren's Excavating & Drilling, Inc.**, (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Watson Run in Leacock Township, **Lancaster County** with an expiration date of June 15, 2009. Permit issued July 4, 2008.

**38084116. Warren's Excavating & Drilling, Inc.**, (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for The Meadows at Southfield in South Lebanon Township, **Lebanon County** with an expiration date of June 15, 2009. Permit issued July 4, 2008.

**67084120. TJ Angelozzi, Inc.**, (7845 Kabik Court, Woodbine, MD 21797), construction blasting at Farm Lane Estates in Jackson Township, **York County** with an expiration date of August 26, 2008. Permit issued July 4, 2008.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued*

*Northeast Regional Office, Watershed Management Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**E58-276. Thomas Liberatore, Cabot Oil & Gas Corporation**, 900 Lee Street, East, Huntington Square, Charleston, WV 25301. Dimock Township and Springville Township, **Susquehanna County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain the following Water Obstructions and Encroachments associated with the Susquehanna County Gas Pipeline project which includes 11 miles of varying diameter underground gas pipeline. The project begins approximately 0.2 mile northwest of the intersection of Hess Road and SR 2024 (Hop Bottom, PA Quadrangle Lat: 41° 45' 3"; Long: 75° 52' 8") in Dimock Township, Susquehanna County and ends approximately 1.00 mile southwest of the intersection of Herb Button Road and SR 3023 (Springville, PA Quadrangle Lat: 41° 42' 11"; Long: 75° 52' 29") in Springfield Township, Susquehanna County. (Subbasin 04G)

1. (Site No. 7) a 10-inch gas pipeline crossing of approximately 25 feet under Meshoppen Creek (CWF) by means of directional boring. (Lat: 41° 42' 56"; Long: 75° 52' 15") in Springville Township.

2. (Site No. 11) a 10-inch gas pipeline crossing of approximately 4 feet under Burdick Creek (CWF) by means of directional boring. (Lat: 41° 43' 4"; Long: 75° 52' 25") in Dimock Township.

3. (Site No. 24) a 6-inch gas pipeline crossing of approximately 10 feet under a UNT to Meshoppen Creek (CWF) by means of directional boring. (Lat: 41° 44' 57"; Long: 75° 52' 13") in Dimock Township.

4. (Site No. 1) an 8-inch gas pipeline crossing of approximately 21 feet under a UNT of Meshoppen Creek (CWF) by means of open trench. (Lat: 41° 42' 21"; Long: 75° 52' 24") in Springville Township.

5. (Site No. 3) an 8-inch gas pipeline crossing of approximately 3 feet under a UNT of Meshoppen Creek (CWF) (Stream #94774) by means of open trench. (Lat: 41° 42' 23"; Long: 75° 52' 22") in Springville Township.

6. (Site No. 4) a 6-inch gas pipeline crossing of approximately 1 foot under a UNT to stream #94774 (CWF) by means of open trench. (Lat: 41° 42' 20"; Long: 75° 52' 3") in Springville Township.

7. (Site No. 6) an 8-inch gas pipeline crossing of approximately 1 foot under a UNT of Meshoppen Creek (CWF) by means of open trench. (Lat: 41° 42' 37"; Long: 75° 52' 17") in Springville Township.

8. (Site No. 8) a 6-inch gas pipeline crossing of approximately 1 foot under a UNT of Meshoppen Creek (CWF) by means of open trench. (Lat: 41° 42' 59"; Long: 75° 52' 33") in Dimock Township.

9. (Site No. 9) a 4-inch gas pipeline crossing of approximately 3 feet under a UNT of Meshoppen Creek (CWF) by means of open trench. (Lat: 41° 42' 51"; Long: 75° 52' 36") in Springville Township.

10. (Site No. 14) a 2-inch gas pipeline crossing of approximately 4 feet under a UNT to Meshoppen Creek (CWF) by means of open trench. (Lat: 41° 43' 39"; Long: 75° 52' 13") in Dimock Township.

11. (Site No. 16) an 8-inch gas pipeline crossing of approximately 15 feet under Burdick Creek (CWF) by means of open trench. (Lat: 41° 44' 2"; Long: 75° 53' 5") in Dimock Township.

12. (Site No. 18) a 10-inch gas pipeline crossing of approximately 10 feet under a UNT to Burdick Creek (CWF) by means of open trench. (Lat: 41° 44' 2"; Long: 75° 52' 30") in Dimock Township.

13. (Site No. 2) an 8-inch gas pipeline crossing of approximately 53 feet under (PEM) wetlands in the Meshoppen Creek watershed by means of open cut. (Lat: 41° 42' 21"; Long: 75° 52' 23") in Springville Township.

14. (Site No. 10) a 6-inch gas pipeline crossing of approximately 55 feet under (PEM) wetlands in the Meshoppen Creek (CWF) watershed by means of open cut. (Lat: 41° 42' 59"; Long: 75° 52' 30") in Dimock Township.

15. (Site No. 17) an 8-inch gas pipeline crossing of approximately 83 feet under (PEM) wetlands in the Burdick Creek (CWF) Watershed by means of open cut. (Lat: 41° 44' 2"; Long: 75° 53' 2") in Dimock Township.

16. A 30 foot wide temporary road in the floodway of Meshoppen Creek (CWF) (Lat: 41° 43' 2"; Long: 75° 52' 15") in Dimock Township.

17. A 20 foot wide temporary road in the floodway of a tributary of Meshoppen Creek (CWF) (Lat: 41° 44' 57"; Long: 75° 51' 38") in Dimock Township.

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

**E19-271. Orangeville Borough**, P. O. Box 176, Orangeville, PA 17859. Equipment Shed Construction, in Orangeville Borough, **Columbia County**, United States Army Corps of Engineers, Baltimore District (Bloomsburg, PA Quadrangle N: 41° 04' 45"; W: 76° 25' 02").

To Construct and Maintain a 40 ft by 48 ft pole barn in the flood fringe of Fishing Creek. The pole barn will be constructed on Borough property for the purpose of road equipment and tool storage. This permit was issued under Section 105.13(e) "Small Projects."

**E41-587. Department of Transportation, Engineering District 3-0**, P. O. Box 218, Montoursville, PA 17754-0218. SR 2063 Segment 0020 Offset 0320 to 0363 and Segment 0030 Offset 0025 to 0400 and Offset 0500 to 0800. Bank Stabilization Project along Cox Run in Muncy Creek, Moreland and Wolf Townships, **Lycoming County**, ACOE Susquehanna River Basin District (Hughesville, PA Quadrangle N: 13.9 inches; W: 11.3 inches).

The proposed project will stabilize approximately 593 linear feet of embankment along SR 2063 in Muncy Creek, Wolf and Moreland Townships, Lycoming County. The work will impact approximately 150 ft of streambank on Cox Run. The work area is approximately one mile straight line distance east northeast of Clarkstown. Approximately 4,050 tons of R-6 rock, 2,610 square yards of geotextile, 265 tons of R-3 rock and 235 tons of 2(A) subbase will be used to complete the project. Prior to

placement of these materials, the Department of Transportation expects to remove approximately 3,080 cubic yards of existing material.

This project proposes to have a minimal impact on Cox Run, which is designated a CWF. This project does not propose to impact any jurisdictional wetlands.

This permit was issued under Section 105.13(e) "Small Projects."

**E59-485. Douglas J. Grossman, Lowe's Home Centers, Inc.**, 250 Summerwind Lane, Harleysville, PA 19438. Standard Joint Water Obstruction Permit, in Richmond Township, **Tioga County**, United States Army Corps of Engineers, Susquehanna River Basin District (Mansfield, PA Quadrangle N: 41° 46' 3.26"; W: 77° 4' 16.37").

To fill a total of 0.14 acre of isolated emergent wetlands and construct and maintain 0.17 acre of mitigation wetlands in Richmond Township, Tioga County. The project is located south of the intersection of SR 0015 and SR 0660. This project proposes to have a minor impact on the UNT to the Tioga River, which is, designated a WWF.

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E02-1575 Redevelopment Authority of the City of McKeesport**, 500 Fifth Avenue, McKeesport, PA 15132. To place and maintain fill in the floodway of the Youghiogheny River in the City of McKeesport, **Allegheny County**, United States Army Corps of Engineers, Pittsburgh District. (McKeesport, PA Quadrangle N: 18.6 inches; W: 16.6 inches, Latitude: 40° 21' 09"; Longitude: 79° 52' 09"). To place and maintain fill in the floodway and along the right bank of the Youghiogheny River (WWF) for a distance of approximately 2,032.0 feet beginning at 9th Street and ending at the CSX Railroad Bridge Right-of-Way and to place and maintain fill in the floodway and along the right bank of said stream for a distance of approximately 1,355.0 feet beginning at the CSX Railroad Bridge Right-of-Way and ending at the confluence of said stream and the Monongahela River at McKees Point for the purpose of constructing a hiking/bicycle trail known as the Youghiogheny River Trail and McKees Point Trail. The project is located just upstream from the confluence of the Youghiogheny River and the Monongahela River.

**E63-600. Kriebel Minerals, Inc.**, P. O. Box 765, Clarion, PA 16214. To construct a culvert in Deemston Borough, **Washington County**, United States Army Corps of Engineers, Pittsburgh District. (Ellsworth, PA Quadrangle N: 3.8 inches; W: 1.2 inches, Latitude: 40° 01' 16"; Longitude: 80° 00' 30"). To construct and maintain a culvert consisting of one 48-inch diameter and one 36-inch diameter corrugated steel pipes in Fishpot Run (WWF) with inverts depressed 1 foot below channel bed on a proposed access road to a gas well. There will be a dip on the road to pass the flows in excess of the culverts capacity. The project is located approximately 1.2 miles north of the intersection of SR 88 and Ridgewood Drive.

**E65-919. Department of Transportation, District 12-0**, P. O. Box 459, Uniontown, PA 15401. To replace a two lane bridge in Unity and Derry Townships and the City of Latrobe, **Westmoreland County**, United States Army Corps of Engineers, Pittsburgh District. (Derry, PA Quadrangle: N: 7.6 inches; W: 17 inches, Latitude 39° 44' 22"; Longitude 79° 54' 12"). To remove the existing SR

982, two lane, approximately 40 ft wide, two span, centered pier, steel through truss bridge having a total length of approximately 250 ft and having an underclearance of 11.5 ft; and to construct and maintain at the existing location an approximately 50 ft. total width, two span centered pier, replacement prestressed concrete box beam bridge having a total length of approximately 282 ft. and having minimum underclearance of 13.75 ft. over the Loyalhanna Creek (WWF); associated fill to raise the approach road elevations; and fill 0.11 acre of PEM wetlands. All acres of wetland will be replaced at the St. Vincent wetland mitigation site as referenced in E65-896. In addition, install a temporary crossing; extend two culverts with drainage areas less than 100 acres; and construct and maintain associated replacement stormwater outfalls to the Loyalhanna Creek (WWF). The bridge improvement project is located approximately 1,300 ft. north of the intersection of SR 982 with SR 30.

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, 16335.*

**E16-136, Porter Township Supervisors**, 9485 Curllsville Road, New Bethlehem, PA 16242. T-750 Leisure Road Bridge Replacement over Leisure Run (CWF), in Porter Township, **Clarion County**, United States Army Corps of Engineers, Pittsburgh District (New Bethlehem, PA Quadrangle N: 41°, 01', 23.2"; W: 79°, 19', 54.4").

To remove the existing bridge and to construct and maintain a 42-foot-long, 23-foot-wide by 8.5 foot-high reinforced concrete box culvert having a 1 foot depressed invert providing a 7.5-foot-high waterway opening in Leisure Run on T-750 approximately 40 feet from the intersection with SR 0066 north of the Borough of New Bethlehem.

[Pa.B. Doc. No. 08-1318. Filed for public inspection July 18, 2008, 9:00 a.m.]

#### Bid Opportunity

**OSM 17(7085, 7086)101.1, Water Line Extension Project, Blue Ball, Boggs and Morris Townships, Clearfield County.** The Principal items of work and approximate quantities include Installation of 8" Ductile Iron Pipe Including Fittings—22, 061 linear feet of 6" or 8" Ductile Iron Pipe including fittings, 52 each of 6" or 8" Gate Valve and Valve Bob, 800 cubic yard of 2A Stone, 67 each of Valve Markers, 315 linear of Highway Crossing and Railroad Crossing, 1 each of Steam Crossing, 200 linear feet of Concrete Encasement, 7 each of 2" Automatic Air Release Valve, 8 each of 2" Blow-Off Valve, 1 each of Wallaceton Road (SR 2029) Pressure-Reducing Vault and 1 each Hilltop Road (T-679) Pressure-Reducing Valve and Valve Vault.

The Project issues on July 18, 2008, and bids will be opened on August 14, 2008, at 2 p.m. Bid documents cost \$20 per set and will not be mailed until payment has been received.

This project is financed by the Federal Government under the authority given by Pub. L. No. 95-87 dated August 3, 1977, "The Surface Mining and Control and Reclamation Act of 1977," and is subject to that Law, and to the Federal Grant for this project.



Contact the Construction Contracts Section at (717) 787 7820 or joelmiller@state.pa.us for more information.

KATHLEEN MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-1319. Filed for public inspection July 18, 2008, 9:00 a.m.]

### Citizens Advisory Council Notice of Public Meeting Change

The date and location of the September meeting of the Citizens Advisory Council (Council) to the Department of Environmental Protection (Department) has been changed. Council will hold public meetings in Sayre, PA on September 9 and 10, 2008. The purpose of the meetings is to hear from interested citizens and groups from Bradford, Lycoming, Potter, Sullivan, Susquehanna and Tioga Counties on environmental issues facing the region and the work of Department. The schedule is as follows:

- Tuesday, September 9, 2008, 7 p.m. to 9 p.m. at the Best Western Grand Victorian Inn, 255 Spring Street, Sayre, PA.
- Wednesday, September 10, 2008, 9:30 a.m. to 12 p.m. at the Best Western Grand Victorian Inn, 255 Spring Street, Sayre, PA.

The Council is a nonpartisan group of 18 citizen volunteers appointed by the Governor, Speaker of the House and the President Pro Tempore of the Senate. The Secretary of the Department also serves as a member. The Council is legislatively charged with reviewing all environmental laws of the Commonwealth, studying the work of the Department and making recommendations for the improvement.

Persons with a disability who require accommodations to attend the meetings should contact the Council at (717) 787-4527 to discuss how the Council may accommodate their needs.

For more information about the Council or the upcoming meetings in September, contact the Council's office in Harrisburg at (717) 787-4527 or visit the Council's web site at [www.depweb.state.pa.us/cac](http://www.depweb.state.pa.us/cac).

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-1320. Filed for public inspection July 18, 2008, 9:00 a.m.]

### Nutrient and Sediment Reduction Credit Trading Program; Nutrient Trading Program Activities and NPDES Permits

The Department of Environmental Protection (Department) hereby provides notice of the following actions regarding the Nutrient and Sediment Reduction Credit Trading Program (Trading Program). These actions were taken in relation to the Interim Final Policy and Guidelines for Nutrient and Sediment Trading issued in 2005 and the Final Trading of Nutrient and Sediment Reduction Credits—Policy and Guidelines (Policy) (DEP ID# 392-0900-001) (see 36 Pa.B. 7999 (December 30, 2006)). The Policy called for a transparent system of credit reviews and approvals.

Trading is a market-based program that provides incentives for entities to create nutrient reduction credits by going beyond statutory, regulatory or voluntary obligations and goals by removing nutrients from a watershed. The credits can be traded to help others more cost-effectively meet their obligations or goals. The primary purpose of the Trading Program is to provide for more efficient ways for National Pollutant Discharge Elimination System (NPDES) permittees to meet their effluent limits for nutrients and sediment. Currently, the focus of the program is on the Chesapeake Bay Watershed.

The actions described in this notice relate to: (1) submitted proposals; (2) approved proposals; and (3) registered credits, through June 30, 2008.

#### *Background*

Before a credit can be used by an NPDES permittee, a three-step process is followed. First, the credit or offset proposal must be approved, second, it must be verified and third, it must be registered.

Approval is also known as certification, which is a written approval by the Department for the use of proposed or implemented activities to generate credits (in some cases the person generating the credits is not permitted to transfer them to another person, in which case they are called "offsets"). Certifications are based on at least: (1) a credit or offset proposal to be submitted describing the qualifying activities that will reduce the nutrient loadings delivered to the applicable watershed; (2) the calculation to quantify the pounds of reductions expected; and (3) a verification plan that, when implemented, ensures that the qualifying nutrient reduction activities have taken place. All of the proposals, certifications and registrations described in this Notice apply to the Chesapeake Bay Watershed.

Once the credits or offsets are certified, they must be verified. Verification means implementation of the verification plan contained in a certified credit or offset proposal as required by the Department. Verification plans require annual submittal of documentation to the Department that demonstrates that the qualifying nutrient reduction activities have taken place for the applicable compliance year.

The credits or offsets also need to be registered by the Department before they can be used in an NPDES permit. Registration occurs only after credits or offsets have been certified and verified, and a trading contract for credits has been submitted to the Department. For the Chesapeake Bay Watershed, the Department will register credits on an annual basis for use during the compliance year in which the qualifying nutrient reduction activities have taken place and will provide such credits with an annual registry number for reporting and tracking purposes.

The Department has received 52 proposals that have been submitted for review to generate nutrient reduction credits in the Chesapeake Bay Watershed. Of those, 29 have been approved, 18 are in review, 1 has been withdrawn and the remaining need additional clarification prior to certification.

#### *Proposals under Review*

The following proposals are being reviewed by the Department.

<b>Proposal Applicant</b>	<b>Proposal Description</b>
1. Lebanon County Conservation District	Nitrogen and Phosphorus credits generated by the installation of mortality composters.
2. Mifflin County Conservation District	Nitrogen credits generated by implementation of no-till.
3. Red Barn Trading Company—Client 60	Nitrogen and Phosphorus credits generated by exporting poultry manure from Juniata to location outside of the watershed.
4. Red Barn Trading Company—Client 153	Nitrogen and Phosphorus credits generated by exporting poultry manure from Juniata to location outside of the watershed.
5. Red Barn Trading Company—Client 164	Nitrogen and Phosphorus credits generated by exporting poultry manure from Dauphin to location outside of the watershed.
6. Red Barn Trading Company—Client 369	Nitrogen and Phosphorus credits generated by exporting poultry manure from Lancaster to location outside of the watershed.
7. Red Barn Trading Company—Client 390	Nitrogen and Phosphorus credits generated by exporting poultry manure from Snyder to location outside of the watershed.
8. Red Barn Trading Company—Client 391	Nitrogen and Phosphorus credits generated by exporting poultry manure from Montour to location outside of the watershed.
9. Red Barn Trading Company—Client 444	Nitrogen and Phosphorus credits generated by exporting poultry manure from Juniata to location outside of the watershed.
10. Red Barn Trading Company—Client 467	Nitrogen and Phosphorus credits generated by exporting poultry manure from Lancaster to location outside of the watershed.
11. Red Barn Trading Company—Client 526	Nitrogen and Phosphorus credits generated by exporting poultry manure from Lancaster to location outside of the watershed.
12. Red Barn Trading Company—Client 535	Nitrogen and Phosphorus credits generated by exporting poultry manure from Lancaster to location outside of the watershed.
13. Red Barn Trading Company—Client 541	Nitrogen and Phosphorus credits generated by exporting poultry manure from Schuylkill to location outside of the watershed.
14. Red Barn Trading Company—Client 550	Nitrogen and Phosphorus credits generated by exporting poultry manure from Lancaster to location outside of the watershed.

*Certifications:*

The Department has approved the following credit-generating proposals.

<i>Applicant and proposal description</i>	<i>Nitrogen Credits</i>	<i>Phosphorus Credits</i>	<i>Sediment Reductions</i>
1. Bion Environmental Technologies—use of a proprietary livestock waste treatment technology for a scrape dairy operation located in Lancaster County. This project can generate credits for multiple years.	175,109	21,889	
2. Union County Conservation District—installation of field lane stabilization project on 7 farms. This project can generate credits for multiple years.	146	2	35,464
<b>Total:</b>	<b>175,255</b>	<b>21,891</b>	<b>35,464</b>

*Verifications and Registrations:*

To date, there are no verifications and registrations.

*Future notices*

In the future, the Department plans to provide notice in the *Pennsylvania Bulletin* at three separate times during the Trading Program.

First, notice will be provided when a complete proposal to generate credits or offsets has been received. All submitted proposals will be reviewed for technical feasibility, consistency with the Department's Trading Program, and legal and policy requirements.

Second, upon approval of a proposal (certification), the Department will provide notice in the *Pennsylvania Bulletin* of the proposal details including the generation method and number of credits or offsets to be certified. This notice will include the chance for informal public input into the certification decisions.

Finally, the Department will also provide notice in the *Pennsylvania Bulletin* when the credits and offsets have been verified and registered.

For further information about the previous information or the Department's Nutrient Trading Program, contact Ann Smith, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4726, annsmith@state.pa.us or visit the Department's website at [ww.depweb.state.pa.us](http://ww.depweb.state.pa.us) (DEP Keywords: "Nutrient Trading").

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-1321. Filed for public inspection July 18, 2008, 9:00 a.m.]

### Pennsylvania Small Business Advantage Grant Program

The Department of Environmental Protection (Department) announces an open opportunity to apply for funding in the 5th year of the Commonwealth's Advantage Grant Program for pollution prevention and energy efficiency projects. Small Business Advantage is a grant program providing up to 50% matching grants, to a maximum of \$7,500, to enable a small business in this Commonwealth to adopt or acquire equipment or processes that result in energy efficiency or pollution prevention. Well-designed energy efficient or pollution prevention projects can help small businesses cut costs, while simultaneously protecting the environment.

An eligible applicant must be a for-profit small business owner whose business or facility is located within this Commonwealth. Most small businesses in this Commonwealth are eligible, including manufacturers, retailers, service providers, mining businesses and agricultural concerns. The project to which the grant will apply must be located within the applicant's Commonwealth facility and save the business at least 15% annually in energy or pollution related expenses.

For questions regarding the eligibility of projects, contact Dave Barnes, Office of Energy and Technology Deployment, Small Business Ombudsman's Office, at (717) 783-8411, [epadventuregrant@state.pa.us](mailto:epadventuregrant@state.pa.us) before submitting an application. The Department will begin accepting applications on July 21, 2008. For questions and assistance in submitting an application, you may also contact the Environmental Management Assistance Program (EMAP) at [www.askemap.org](http://www.askemap.org) or (877) ask-emap.

Applications are also available on the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keyword: SBAdvantage). The application package contains the materials and instructions necessary for applying for a grant. Applications are available by contacting the Department of Environmental Protection, Office of Energy and Technology Deployment, 15th Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8772, Harrisburg, PA 17105-8772, (717) 783-8411.

The Department will accept applications for the program if postmarked or hand delivered by 4 p.m. on August 29, 2008. The Department will not accept applications submitted by means of fax or by other electronic means. Early submittal of applications is encouraged, as grants will be awarded to eligible applications on a first-come, first-served basis until program funding is exhausted.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-1322. Filed for public inspection July 18, 2008, 9:00 a.m.]

### Solar Workgroup Meeting

The Solar Workgroup will hold a meeting on August 7, 2008, at 10 a.m. in the Second Floor Auditorium of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

The agenda and materials for the August 7, 2008, meeting will be available at the meeting. Questions concerning this meeting should be directed to Libby Dodson, Office of Energy and Technology Deployment,

Division of Energy Promotion, 400 Market Street, Harrisburg, PA 17101, (717) 772-8907, [ldodson@state.pa.us](mailto:ldodson@state.pa.us).

Persons with a disability who require accommodations to attend the meeting should contact Angela Rothrock at (717) 772-8911 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department of Environmental Protection may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-1323. Filed for public inspection July 18, 2008, 9:00 a.m.]

### State Board for Certification of Water and Wastewater Systems Operators; Change of Meeting

The September 11, 2008, meeting of the State Board for Certification of Water and Wastewater Systems Operators, previously advertised as a teleconference call in the 11th Floor Conference Room of the Rachel Carson State Office Building (see 37 Pa.B. 6846 (December 22, 2008)), has changed. The Committee will now convene as a regular board meeting at 10 a.m. in the 12th Floor Conference Room of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

Questions concerning the meeting may be directed to Cheri Sansoni at (717) 772-5158 or [csansoni@state.pa.us](mailto:csansoni@state.pa.us).

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Cheri Sansoni at (717) 772-5158 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users), to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-1324. Filed for public inspection July 18, 2008, 9:00 a.m.]

### State Water Plan; Water Resources Regional Committee Meetings

The following meetings of the Water Resources Regional Committees have been cancelled:

<i>Regional Committee</i>	<i>Meeting Date</i>
Ohio Water Resources Regional Committee	August 4, 2008
Great Lakes Water Resources Regional Committee	August 5, 2008
Lower Susquehanna Water Resources Regional Committee	August 11, 2008
Upper/Middle Susquehanna Water Resources Regional Committee	August 20, 2008
Potomac Water Resources Regional Committee	September 19, 2008

Consult the Water Resources Regional Committee meeting schedule for 2008 at 38 Pa.B. 406 (January 19, 2008) for the next regularly scheduled meetings of the committees.

In addition to the previously listed schedule changes, the Delaware Water Resources Regional Committee meeting, scheduled as a regular committee meeting for August 8, 2008, will now meet by means of teleconference. The teleconference will begin at 9:30 a.m. Individuals interested in participating on the conference call may do so from the Department of Environmental Protection's Southeast Regional Office, 2 East Main Street, Norristown, PA 19401.

In September 2008, public meetings and public hearings of the Water Resources Regional Committees will occur throughout the State for the committees to solicit comments on the draft State Water Plan. Information concerning the meetings and hearings, including dates and locations, will be published in the *Pennsylvania Bulletin* in late August. The agendas and meeting materials for the meeting will be available through the Public Participation Center on the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keyword: Public Participation, Participate).

Questions concerning the revised meeting schedule of the Water Resources Regional Committees, as well as the upcoming meetings and public hearings in September 2008, may be referred to Leslie Sarvis, Water Planning Office, at (717) 772-5634 or [lsarvis@state.pa.us](mailto:lsarvis@state.pa.us).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 772-5634 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-1325. Filed for public inspection July 18, 2008, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Associates in Kidney Disease & Hypertension, PC, d/b/a Dialysis Access Center of Pittsburgh for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Associates in Kidney Disease & Hypertension, PC, d/b/a Dialysis Access Center of Pittsburgh has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: Table 3.1-2 (relating to vacuum outlets), 3.7-2.4.2.1(1) (relating to phase II recovery), 3.7-2.5.1 (relating to restricted corridor control station), 3.7-2.5.7.4 (relating to stretcher storage) and 3.7-2.6.2(2) (relating to one-way traffic out of locker room).

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [ra-paexcept@state.pa.us](mailto:ra-paexcept@state.pa.us).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 08-1326. Filed for public inspection July 18, 2008, 9:00 a.m.]

### Application of Associates in Kidney Disease & Hypertension, PC, d/b/a Dialysis Access Center of Pittsburgh for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Associates in Kidney Disease & Hypertension, PC, d/b/a Dialysis Access Center of Pittsburgh has requested an exception to the requirements of 28 Pa. Code §§ 551.3 and 553.31(a) (relating to definitions; and licensure).

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [paexcept@health.state.pa.us](mailto:paexcept@health.state.pa.us).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 08-1327. Filed for public inspection July 18, 2008, 9:00 a.m.]

### Application of Butler Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Butler Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.1-5.1.3.7(1)(b) (relating to examination and treatment room facility requirements).

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 08-1328. Filed for public inspection July 18, 2008, 9:00 a.m.]

### Application of The Center for Specialized Surgery for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Center for Specialized Surgery has requested an exception to the requirements of 28 Pa. Code § 551.21(d)(2) (relating to criteria for ambulatory surgery).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation

to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 08-1329. Filed for public inspection July 18, 2008, 9:00 a.m.]

### Application of Jefferson Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Jefferson Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 3.1-2.1.1.2 (relating to hand washing).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 08-1330. Filed for public inspection July 18, 2008, 9:00 a.m.]

### Application of Latrobe Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Latrobe Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standards contained

in this publication: 2.3 (relating to child psychiatric room space requirements) and 2.1-5.1.3.7(1) (relating to examination and treatment rooms facility requirements).

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 08-1331. Filed for public inspection July 18, 2008, 9:00 a.m.]

### Application of Nason Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Nason Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.1-5.5.5 (relating to station outlets for oxygen, vacuum and medical air systems).

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or

hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 08-1332. Filed for public inspection July 18, 2008, 9:00 a.m.]

### Application of Renal Endocrine Associates, PC, d/b/a Dialysis Access Center of Pittsburgh for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Renal Endocrine Associates, PC, d/b/a Dialysis Access Center of Pittsburgh has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: Table 3.1-2 (relating to vacuum outlets), 3.7-2.4.2.1(1) (relating to phase II recovery), 3.7-2.5.1 (relating to restricted corridor control station), 3.7-2.5.7.4 (relating to stretcher storage) and 3.7-2.6.2(2) (relating to one-way traffic out of locker room).

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 08-1333. Filed for public inspection July 18, 2008, 9:00 a.m.]

### Application of Renal Endocrine Associates, PC, d/b/a Dialysis Access Center of Pittsburgh for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Renal Endocrine Associates, PC, d/b/a Dialysis Access Center of Pittsburgh has requested an exception to the requirements of 28 Pa. Code §§ 551.3 and 553.31(a) (relating to definitions; and license).

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 08-1334. Filed for public inspection July 18, 2008, 9:00 a.m.]

### Application of St. Clair Memorial Hospital/Mt. Lebanon Surgical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that St. Clair Memorial Hospital/Mt. Lebanon Surgical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.7.2.4.1.2(2) (relating to PACU space); and 3.7.5.2.1.1(1) (relating to corridors).

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or

hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 08-1335. Filed for public inspection July 18, 2008, 9:00 a.m.]

### Application of UPMC Passavant for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Passavant has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.1.5.1.3.7(1)(b) (relating to examination and treatment room facility requirements).

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 08-1336. Filed for public inspection July 18, 2008, 9:00 a.m.]

### Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 201.3 (relating to definitions).

The Lebanon Valley Home  
550 East Main Street  
Annville, PA 17003

Laurel Crest Rehabilitation and Special Care Center  
429 Manor Drive  
P. O. Box 360  
Ebensburg, PA 15931

River's Edge Nursing and Rehabilitation Center  
9501 State Road  
Philadelphia, PA 19114  
FACILITY ID 183502

Valley View Home  
301 Valley View Boulevard  
Altoona, PA 16602

Angela Jane Pavilion  
8410 Roosevelt Boulevard  
Philadelphia, PA 19152

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 08-1337. Filed for public inspection July 18, 2008, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Designated Exceptional Durable Medical Equipment

#### *Purpose of Notice*

In accordance with the Department of Public Welfare's (Department) currently approved State Plan the Department is required to publish an annual list of exceptional durable medical equipment (DME) by notice in the *Pennsylvania Bulletin* in July of each year. Interested persons may petition the Department to consider additions to the exceptional DME list by submitting a written request to the Department. Requests received on or before December 31 will be considered in developing the list for the following July.

During calendar year 2007, the Department received two written requests for additions to the list of exceptional DME. One request is to add a Mist Therapy System to the list of exceptional DME. The Department determined that a mist therapy system does not meet the criteria to qualify as an item of "Specially Adapted DME" since the system is not substantially adapted or modified in a way to meet the needs of a specific resident and therefore is suitable for the contemporaneous use by numerous other persons.

Therefore, the Department has decided that the request for the addition of a mist therapy system as a separate category of exceptional DME is unwarranted since the system does not qualify as an item of "specially adapted DME" as defined in § 1187.2 (relating to definitions).

A second request for an addition to the list of exceptional DME is for a mobile air chair. The purchase price of a mobile air chair is \$4,076 and does not meet the acquisition cost of \$5,000 or more necessary to qualify as an item of exceptional DME. In addition, the Department's medical consultants evaluated the product and concluded that there is no medical evidence that demonstrates the effectiveness of a mobile air chair on the treatment or prevention of pressure ulcers.

Therefore, the Department has decided that the request for the addition of a mobile air chair as a separate category of exceptional DME is unwarranted.

Accordingly, this notice makes no changes in either the acquisition cost or the list of qualifying DME.

"Exceptional DME" is defined as DME that has an acquisition cost of \$5,000 or more and is either Specially Adapted DME or other DME that is designated as Exceptional DME by the Department annually by notice in the *Pennsylvania Bulletin*.

"Specially Adapted DME" is DME that is uniquely constructed or substantially adapted or modified in accordance with the written orders of a physician for the particular use of one resident, making its contemporaneous use by another resident unsuitable.

The list of Exceptional DME that has been designated by the Department is as follows:

(1) *Air fluidized beds*. The pressure relief provided by this therapy uses a high rate of airflow to fluidize fine particulate material (for example, beads or sand) to produce a support medium that has characteristics similar to liquid. May have a Gortex cover.

(2) *Powered air flotation bed (low air loss therapy)*. A semi-electric or total electric bed with a fully integrated powered pressure-reducing mattress which is characterized by all of the following:

(a) An air pump or blower with a series of interconnected woven fabric air pillows which provides sequential inflation and deflation of the air cells or a low interface pressure throughout the mattress allowing some air to escape through the support surface to the resident. May have a Gortex cover;

(b) Inflated cell height of the air cells through which air is being circulated is five inches or greater;

(c) Height of the air chambers, proximity of the air chambers to one another, frequency of air cycling (for alternating pressure mattresses), and air pressure provide adequate patient lift, reducing pressure and prevent bottoming out;

(d) A surface designed to reduce friction and shear;

(e) May be placed directly on a hospital bed frame; and

(f) Automatically readjusts inflation pressures with change in position of bed (for example, head elevation, and the like).



(3) *Augmentative communication devices.* Used by residents who are unable to use natural oral speech as a primary means of communication. The specific device requested must be appropriate for use by the resident and the resident must demonstrate the abilities or potential abilities to use the device selected. Portable devices need to supplement, aid or serve as an alternative to natural speech for residents with severe expressive communication disorders. Nonportable devices may be covered only if required for visual enhancement or physical access needs that cannot be accommodated by a portable device.

(4) *Ventilators (and related supplies).*

(a) Used by residents 21 years of age and older who require full ventilator support for a minimum of 8 hours per day to sustain life.

(b) Used by residents 20 years of age and younger who require ventilator support to sustain life (no minimum time requirement).

*Effective Date*

This notice is effective upon publication in the *Pennsylvania Bulletin*.

*Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department at the following address: Gail Weidman, Department of Public Welfare, Office of Long-Term Living, P. O. Box 2675, Harrisburg, PA 17105. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

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

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-554. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 08-1338. Filed for public inspection July 18, 2008, 9:00 a.m.]

### Income Limits and Co-payments for the Subsidized Child Care Program

*Purpose of Notice*

The purpose of this notice is to increase the income limits codified at 55 Pa. Code Chapter 3041, Appendix B (relating to co-payment chart family co-payment scale) under 55 Pa. Code § 3041.107(b) (relating to availability and use of the Federal Poverty Income Guidelines). This increase is effective May 5, 2008.

Section 3041.107(b) requires the Department of Public Welfare to update the co-payment schedule in 55 Pa. Code Chapter 3041, Appendix B to reflect changes in the Federal Poverty Income Guidelines (FPIG). Effective May 5, 2008, the income guidelines for the subsidized child care program are increased due to increases in the FPIG. The co-payment schedule is adjusted to reflect the increases. Chapter 3041, Appendix B also establishes the

family co-payment levels according to the family's computed annual income and lists the weekly family co-payment based on the annual family income.

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-561. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 08-1339. Filed for public inspection July 18, 2008, 9:00 a.m.]

### Medical Assistance Prior Authorization Requirements

*Purpose of Notice*

The purpose of this notice is to announce that the Department of Public Welfare (Department) will add nonemergency advanced radiologic imaging services to the Medical Assistance (MA) Program's list of services and items that require prior authorization, effective with dates of service on and after August 1, 2008.

Section 443.6(b)(7) of the Public Welfare Code (62 P. S. § 443.6(b)(7)) authorizes the Department to add items and services to the list of services requiring prior authorization by publication of notice in the *Pennsylvania Bulletin*.

Advanced radiologic imaging services are diagnostic studies that provide greater differentiation than X-rays between bone and soft tissue, allowing practitioners to diagnose diseases at earlier stages while avoiding more invasive and costly diagnostic procedures. The MA Program will require prior authorization for the following outpatient advanced radiologic imaging services:

- Magnetic Resonance Imaging (MRI)
- Magnetic Resonance Angiogram (MRA)
- Magnetic Resonance Spectroscopy (MRS)
- Computerized Tomography (CT)
- Positron Emission Tomography (PET)
- Single Photon Emission Computed Tomography (SPECT)
- Nuclear Medicine Cardiology Scans

The Department will issue an MA Bulletin to providers enrolled in the MA Program, specifying the procedures and review guidelines for obtaining prior authorization of these services.

*Fiscal Impact*

Implementing the prior authorization requirement for advanced radiologic imaging services is estimated to save \$1.121 million (\$0.622 million in State funds) in the Medical Assistance Outpatient Program in Fiscal Year 2008-2009, and annualized savings of \$1.345 million (\$0.746 million in State funds) are anticipated in Fiscal Year 2009-2010.

*Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision to the prior authorization requirements for advanced radiologic imaging services.

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

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-559. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 08-1340. Filed for public inspection July 18, 2008, 9:00 a.m.]

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

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-557. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 08-1341. Filed for public inspection July 18, 2008, 9:00 a.m.]

### Payments to County Nursing Facilities; Proposed Rates for State Fiscal Year 2008-2009

#### *Purpose of Notice*

This notice announces the Department of Public Welfare's (Department) proposed annual rates for State Fiscal Year (FY) 2008-2009, for county nursing facilities that participate in the Medical Assistance (MA) Program.

The rates will be calculated in accordance with 55 Pa. Code Chapter 1189, Subchapter D (relating to rate setting). As stated at § 1189.91(b) (relating to per diem rates for county nursing facilities), for each rate year beginning on or after July 1, 2007, the per diem rate paid to a county nursing facility for a rate year will be the facility's prior rate year per diem rate multiplied by a budget adjustment factor (BAF).

As required by § 1189.91(d), the Department intends to follow the formula set forth in the Commonwealth's approved State Plan to determine the BAF to be applied to county nursing facility payment rates for FY 2008-2009. The Department will be submitting State Plan Amendment (SPA) 08-008 to the Federal Centers for Medicare and Medicaid Services (CMS) to include the BAF formula which the Department will use in FY 2008-2009. Contingent on CMS approval of SPA 08-008 the Department will use the following formula to determine the BAF which will apply in setting rates for the county nursing facilities. The BAF formula = 1.00 + the percent increase permitted by the General Appropriations Act.

Based on the funding provided in the governor's executive budget and the approval of SPA 08-008 by CMS the BAF for county nursing facilities for FY 2008-2009 will be 1.00.

The proposed per diem rates for FY 2008-2009 are available on the web site for the Department of Public Welfare at [www.dpw.state.pa.us/PartnersProviders/LongTermLiving/](http://www.dpw.state.pa.us/PartnersProviders/LongTermLiving/) and at local county assistance offices throughout the Commonwealth or by contacting Gail Weidman, Department of Public Welfare, Office of Long-Term Living at (717) 705-3705.

#### *Fiscal Impact*

No fiscal impact is anticipated as a result of the proposed rates in FY 2008-2009.

#### *Public Comment*

Interested persons are invited to submit written comments regarding the proposed rates for FY 2008-2009 or the BAF formula, to the Department at the following address: Department of Public Welfare, Office of Long Term Living, Attention: Gail Weidman, P. O. Box 2675, Harrisburg, PA 17105. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

### Payments to Nonpublic Nursing Facilities; Proposed Rates for State Fiscal Year 2008-2009

#### *Purpose of Notice*

This notice announces the Department of Public Welfare's (Department) proposed annual case-mix per diem payment rates for State Fiscal Year (FY) 2008-2009 for nonpublic nursing facilities that participate in the Medical Assistance (MA) Program.

As required by the case-mix payment methodology set forth in Chapter 1187, Subchapter G (relating to rate setting), the Department intends to set a new annual MA per diem rate for each nonpublic nursing facility provider. Each facility's annual per diem rate will have four components: resident care; other resident related; administrative; and capital. For each quarter of FY 2008-2009, the Department will adjust the resident care component of each facility's rate by multiplying the resident care cost component by the facility's MA case-mix index (CMI) for the appropriate picture date. In addition, the Department will adjust each facility's CMI-adjusted quarterly rate by multiplying the rate by a "budget adjustment factor" (BAF).

As required by § 1187.96(e)(2)(iv) (relating to price- and rate-setting computations), the Department intends to follow the formula set forth in the Commonwealth's approved State Plan to determine the BAF for FY 2008-2009. The Department will be submitting State Plan Amendment (SPA) 08-007 to the Federal Centers for Medicare and Medicaid Services (CMS) to include the BAF formula which the Department will use in FY 2008-2009.

Contingent on CMS approval of SPA 08-007 the Department will use the following formula to determine the BAF which it will apply in setting rates for nonpublic nursing facilities:

- (nonpublic nursing facilities' share of total appropriated funds + estimated annual patient pay amount) divided by
- estimated acuity-adjusted annual payments

Based on the funding provided in the Governor's executive budget and approval of SPA 08-007 by CMS, the Department has determined that the percentage rate of increase appropriated for nursing facility services for FY 2008-2009 is .90551.

The proposed annual per diem rates for FY 2008-2009 are available on the web site for the Department of Public Welfare at [www.dpw.state.pa.us/PartnersProviders/LongTermLiving/](http://www.dpw.state.pa.us/PartnersProviders/LongTermLiving/) and at local county assistance offices throughout this Commonwealth or by contacting Gail

Weidman, Department of Public Welfare, Office of Long Term Living, at (717) 705-3705. In addition, the Department will calculate adjusted quarterly rates for the October, January and April quarters of FY 2008-2009 for each nonpublic MA nursing facility provider. These adjusted quarterly rates will be posted on the Department's web site, at local county assistance offices and from Gail Weidman, as they become available.

#### *Fiscal Impact*

No fiscal impact is anticipated as a result of the proposed rates in FY 2008-2009.

#### *Public Comment*

Interested persons are invited to submit written comments regarding the proposed annual rates for FY 2008-2009 or the BAF formula to Department of Public Welfare, Office of Long-Term Living, Attention: Gail Weidman, P. O. Box 2675, Harrisburg, PA 17105. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Services at 1-800-654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-556. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 08-1342. Filed for public inspection July 18, 2008, 9:00 a.m.]

## Trauma Disproportionate Share Payments

#### *Purpose of Notice*

The Department of Public Welfare (Department) is announcing that it will pay West Virginia University Hospitals, Inc. a Trauma Disproportionate Share (DSH) payment in accordance with a Federal Court Order. See *West Virginia University Hospitals Inc. v. Rendell et al.*, 2007 U. S. Dist. LEXIS 81901, (M. D. Pa. 2007). The Department will calculate the Trauma DSH payment in the same manner as the Department calculates the payment for Level I and Level II trauma centers located in the Commonwealth.

#### *Fiscal Impact*

There is no anticipated fiscal impact as a result of this change. The trauma payments are anticipated to remain at the current funding levels; however, July 1, 2007, WVUH will be included in the distribution.

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

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

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-564. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 08-1343. Filed for public inspection July 18, 2008, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Gold Fever Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Gold Fever.

2. *Price:* The price of a Pennsylvania Gold Fever instant lottery game ticket is \$10.

3. *Play Symbols:* Each Pennsylvania Gold Fever instant lottery game ticket will contain one play area featuring a "GOLDEN NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "GOLDEN NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), Gold Coin symbol (GLDCN), Gold Nugget symbol (GLDNGT) and a Gold Bar symbol (GLDBAR).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO), \$20,000 (TWY THO) and \$250,000 (TWHNFYTH).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$400, \$500, \$1,000, \$10,000, \$20,000 and \$250,000. A player can win up to 15 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 4,800,000 tickets will be printed for the Pennsylvania Gold Fever instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "GOLDEN NUMBERS" play symbols and a prize symbol of \$250,000 (TWHNFYTH) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$250,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "GOLDEN NUMBERS" play symbols and a prize symbol of \$20,000 (TWY THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "GOLDEN NUMBERS" play symbols and a prize symbol of \$10,000 (TEN THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "GOLDEN NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Nugget symbol (GLDNGT), and a prize symbol of \$100 (ONE HUN) appears under the Gold Nugget symbol (GLDNGT), on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets with a Gold Bar (GLDBAR) play symbol, and a prize symbol of \$50\$ (FIFTY) appears in ten of the "prize" areas, and a prize symbol of \$100 (ONE HUN) appears in five of the "prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "GOLDEN NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Coin symbol (GLDCN), and a prize symbol of \$500 (FIV HUN) appears under the Gold Coin symbol (GLDCN), on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Nugget symbol (GLDNGT), and a prize symbol of \$50\$ (FIFTY) appears under the Gold Nugget symbol (GLDNGT), on a single ticket, shall be entitled to a prize of \$500.

(j) Holders of tickets with a Gold Bar (GLDBAR) play symbol, and a prize symbol of \$25\$ (TWY FIV) appears in ten of the "prize" areas, and a prize symbol of \$50\$ (FIFTY) appears in five of the "prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "GOLDEN NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Coin symbol (GLDCN), and a prize symbol of \$400 (FOR HUN) appears under the Gold Coin symbol (GLDCN), on a single ticket, shall be entitled to a prize of \$400.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Nugget symbol (GLDNGT), and a prize symbol of \$40\$ (FORTY) appears under the Gold Nugget symbol (GLDNGT), on a single ticket, shall be entitled to a prize of \$400.

(n) Holders of tickets with a Gold Bar (GLDBAR) play symbol, and a prize symbol of \$20\$ (TWENTY) appears in ten of the "prize" areas, and a prize symbol of \$40\$ (FORTY) appears in five of the "prize" areas, on a single ticket, shall be entitled to a prize of \$400.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "GOLDEN NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Coin symbol (GLDCN), and a prize symbol of \$100 (ONE HUN) appears under the Gold Coin symbol (GLDCN), on a single ticket, shall be entitled to a prize of \$100.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Nugget symbol (GLDNGT), and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the Gold Nugget symbol (GLDNGT), on a single ticket, shall be entitled to a prize of \$100.

(r) Holders of tickets with a Gold Bar (GLDBAR) play symbol, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in ten of the "prize" areas, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in five of the "prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "GOLDEN NUMBERS" play symbols and a prize symbol of \$50\$ (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Coin symbol (GLDCN), and a prize symbol of \$50\$ (FIFTY) appears under the Gold Coin symbol (GLDCN), on a single ticket, shall be entitled to a prize of \$50.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Nugget symbol (GLDNGT), and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the Gold Nugget symbol (GLDNGT), on a single ticket, shall be entitled to a prize of \$50.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "GOLDEN NUMBERS" play symbols and a prize symbol of \$40\$ (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold Coin symbol (GLDCN), and a prize symbol of \$40\$ (FORTY) appears under the Gold Coin symbol (GLDCN), on a single ticket, shall be entitled to a prize of \$40.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the

“GOLDEN NUMBERS” play symbols and a prize symbol of \$25\$ (TWY FIV) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$25.

(y) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Gold Coin symbol (GLDCN), and a prize symbol of \$25\$ (TWY FIV) appears under the Gold Coin symbol (GLDCN), on a single ticket, shall be entitled to a prize of \$25.

(z) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “GOLDEN NUMBERS” play symbols and a prize symbol of \$20\$ (TWENTY) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(aa) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Gold Coin symbol (GLDCN), and a prize symbol of \$20\$ (TWENTY) appears under the Gold Coin symbol (GLDCN), on a single ticket, shall be entitled to a prize of \$20.

(bb) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “GOLDEN NUMBERS” play symbols and a prize symbol of \$10<sup>.00</sup> (TEN DOL) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(cc) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Gold Coin symbol (GLDCN), and a prize symbol of \$10<sup>.00</sup> (TEN DOL) appears under the Gold Coin symbol (GLDCN), on a single ticket, shall be entitled to a prize of \$10.

(dd) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “GOLDEN NUMBERS” play symbols and a prize symbol of \$5<sup>.00</sup> (FIV DOL) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

*When Any Of Your Numbers Match Any Of The Golden Numbers, Win With Prize(s) Of:*

<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 4,800,000 Tickets</i>
\$5 × 2	\$10	240,000
\$10 w/GOLD COIN	\$10	240,000
\$10	\$10	320,000
\$5 × 4	\$20	40,000
\$10 × 2	\$20	40,000
\$20 w/GOLD COIN	\$20	80,000
\$20	\$20	80,000
\$5 × 5	\$25	40,000
\$25 w/GOLD COIN	\$25	48,000
\$25	\$25	56,000
\$5 × 8	\$40	16,000
\$10 × 4	\$40	16,000
\$20 × 2	\$40	16,000
\$40 w/GOLD COIN	\$40	16,000
\$40	\$40	16,000
\$10 × 5	\$50	8,000
\$5 w/GOLD NUGGET	\$50	8,000
\$25 × 2	\$50	8,000
\$50 w/GOLD COIN	\$50	8,000
\$50	\$50	8,000
\$10 × 10	\$100	8,000
\$50 × 2	\$100	8,000
\$10 w/GOLD NUGGET	\$100	16,000
GOLD BAR w/(\$5 × 10) + (\$10 × 5)	\$100	16,000
\$100 w/GOLD COIN	\$100	8,000
\$100	\$100	16,000
\$40 × 10	\$400	400
\$40 w/GOLD NUGGET	\$400	400
\$50 × 8	\$400	400
\$100 × 4	\$400	400
GOLD BAR w/(\$20 × 10) + (\$40 × 5)	\$400	400
\$400 w/GOLD COIN	\$400	400
\$400	\$400	400
\$50 × 10	\$500	400
\$50 w/GOLD NUGGET	\$500	400
\$100 × 5	\$500	400
GOLD BAR w/(\$25 × 10) + (\$50 × 5)	\$500	400
\$500 w/GOLD COIN	\$500	400

*When Any Of Your Numbers Match Any Of The Golden Numbers, Win With Prize(s) Of:*

<i>Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 4,800,000 Tickets</i>
\$500	\$500	12,000	400
\$100 × 10	\$1,000	12,000	400
\$100 w/GOLD NUGGET	\$1,000	12,000	400
\$500 × 2	\$1,000	12,000	400
GOLD BAR w/(\$50 × 10) + (\$100 × 5)	\$1,000	12,000	400
\$1,000	\$1,000	12,000	400
\$10,000	\$10,000	240,000	20
\$20,000	\$20,000	480,000	10
\$250,000	\$250,000	480,000	10

Gold Coin (GLDCN) = Win prize shown under it automatically.  
 Gold Nugget (GLDNGT) = Win 10 times the prize shown under it.  
 Gold Bar (GLDBAR) = Win all 15 prizes shown.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Gold Fever instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Gold Fever, prize money from winning Pennsylvania Gold Fever instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Gold Fever instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in Part V of Title 61 of the Pennsylvania Code (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Gold Fever or through normal communications methods.

THOMAS W. WOLF,  
*Secretary*

[Pa.B. Doc. No. 08-1344. Filed for public inspection July 18, 2008, 9:00 a.m.]

Design as delegated by the Secretary of Transportation makes the following written finding.

The Department of Transportation (Department) is planning to replace the Harmonyville Road Bridge which carries SR 4018 (Harmonyville Road) over French Creek in Warwick Township, Chester County. The bridge is a contributing element to the North Warwick Historic and Archaeological District, and it has been determined that the bridge replacement project will have an adverse effect on the District. The project will require minor right-of-way acquisition from two properties within the District, as well as a temporary construction easement within the District.

Therefore, in accordance with Act 120, a Section 2002 Evaluation has been prepared to evaluate the potential impacts to the Section 2002 resource caused by the bridge replacement project. The Section 2002 Evaluation was approved June 26, 2008.

Based upon studies, there is no feasible and prudent alternative to the proposed action. Mitigation measures will be taken to minimize harm as stipulated in the Section 2002 Evaluation.

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code, 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 the effects.

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

[Pa.B. Doc. No. 08-1345. Filed for public inspection July 18, 2008, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Finding

Under section 2002(b) of The Administrative Code of 1920 (71 P. S. § 512(b)), the Director of the Bureau of

### Receipt of Applications for Funding under the Section 5310 Program

The Department of Transportation, Bureau of Public Transportation, under the authority contained in Section 5310 of the Federal Transit Laws, 49 U.S.C.A. § 5310, gives notice that it will receive applications for the State-administered Section 5310 Program. Under this program, private nonprofit organizations and designated

public bodies may apply for Federal capital assistance to pay up to 80% of the purchase cost of new wheelchair accessible small transit vehicles and other equipment used to provide needed transportation services for senior citizens and persons with disabilities who cannot be reasonably accommodated by existing transportation providers. Additional information can be obtained by calling Ben Brosius of the Bureau of Public Transportation at (717) 787-1211. Questions, comments or suggestions may be directed to Ben Brosius, Section 5310 Program Manager, P. O. Box 3151, Harrisburg, PA 17105-3151.

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

[Pa.B. Doc. No. 08-1346. Filed for public inspection July 18, 2008, 9:00 a.m.]

### Proposed Disadvantaged Business Enterprise (DBE) Goals for Participation in Federally-Funded Highway, Aviation and Transit Contracts for Federal Fiscal Year 2009

The Department of Transportation (Department) is providing notice of its proposed Disadvantaged Business Enterprise (DBE) goals for Federal Fiscal Year (FFY) 2009. The goals for DBE participation cover contracts assisted with Federal highway, transit and aviation funds. The proposed methodologies used in determining

the DBE goals are available for inspection and upon request at Department, Bureau of Equal Opportunity. The proposed FFY 2009 goals are as follows:

- The overall goal for Federally-assisted highway contracts is 6.53%.
- The overall goal for Federally-assisted transit contracts is 4.89%.

The overall goal for Federally-assisted aviation contracts is 10.49%.

Methodologies used in determination of the goals are available for inspection during normal business hours at the Department of Transportation, Bureau of Equal Opportunity, 400 North Street, 5th Floor, Harrisburg, PA 17120-0041, (717) 787-5891 or (800) 468-4201 or [www.pasdc.hbg.psu.edu/pasdc/dot](http://www.pasdc.hbg.psu.edu/pasdc/dot).

The information will be available for inspection for 30 days from the date of this notice. The Department will accept written comments on the proposed goals for 45 days from the date of this notice. Comments, questions or suggestions regarding this notice may be directed in writing to Jocelyn I. Harper, Director, Bureau of Equal Opportunity, Department of Transportation, P. O. Box 3251, Harrisburg, PA 17105-3251, fax (717) 772-4026.

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

[Pa.B. Doc. No. 08-1347. Filed for public inspection July 18, 2008, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (act) (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Act (71 P. S. § 645.5b).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
31-7	State Employees' Retirement Board Priority of Taxation, Attachment and Assignment of Funds 38 Pa.B. 2062 (May 3, 2008)	6/2/08	7/2/08
16A-4924	State Board of Medicine Acupuncture Registration 38 Pa.B. 2059 (May 3, 2008)	6/2/08	7/2/08
125-84	Pennsylvania Gaming Control Board Releases 38 Pa.B. 2054 (May 3, 2008)	6/2/08	7/2/08
125-85	Pennsylvania Gaming Control Board Licensed Facility 38 Pa.B. 2053 (May 3, 2008)	6/2/08	7/2/08
6-305	Department of Education Auditing of Approved Private Schools and Chartered Schools for the Education of Deaf and Blind Children 38 Pa.B. 2052 (May 3, 2008)	6/2/08	7/2/08
16-41	State Athletic Commission Mixed Martial Arts 38 Pa.B. 2155 (May 10, 2008)	6/9/08	7/9/08

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**State Employees' Retirement Board  
Regulation #31-7 (IRRC #2689)**

**Priority of Taxation, Attachment and  
Assignment of Funds**

**July 2, 2008**

We submit for your consideration the following comments on the proposed rulemaking published in the May 3, 2008, *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the State Employees' Retirement Board (Board) to respond to all comments received from us or any other source.

**Section 247.11. Priority of taxation, attachments and assignment of funds.—Statutory authority; clarity.**

Subsection (a)(3) pertains to money that is owed on account of taxes. We have three concerns. First, would this subsection apply to taxes owed by a member not on account of the member's employment? For instance, would this subsection apply to taxes owed due to the sale of real estate by a member? We recommend that the provision be clarified to state that any obligations of a member must relate to their employment.

Second, what is the Board's statutory authority for this provision? If the Board is relying on particular statutes as justification for this subsection, references to those statutes should be included in the final-form regulation.

Third, assuming the Board has the statutory authority for Subsection (a)(3), what is the sequential priority for the various taxing authorities that might seek payment? For example, would a claim filed by the Internal Revenue Service for taxes owed take precedence over a claim filed by the Pennsylvania Department of Revenue or a local employment tax collection agency?

In addition, Subsection (a)(1) includes the phrase "as otherwise provided by law" and Subsection (c) includes the phrase "under the operative forfeiture law." Both phrases lack clarity. We recommend that specific statutory citations be included in the final-form regulation.

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**State Board of Medicine  
Regulations#16A-4924 (IRRC #2690)**

**Acupuncture Registration**

**July 2, 2008**

We submit for your consideration the following comments on the proposed rulemaking published in the May 3, 2008, *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the State Board of Medicine (Board) to respond to all comments received from us or any other source.

**1. General.—Statutory authority.**

In the Preamble, the Board's statutory authority is identified as Act 186 of 2006 (Act 186) which amended the Acupuncture Registration Act (Act) (63 P. S. §§ 1801—1806). The Board's specific rulemaking authority is found in Section 3 of the Act (63 P. S. § 1803). Section 3 should be included in the explanation of statutory authority in the Preamble and the Regulatory Analysis Form that are submitted with the final-form

regulation. If the Board is relying on any other provisions for statutory authority, it should specifically cite them as well.

**2. Section 18.15. Practice responsibilities of acupuncturist and practitioner of Oriental medicine who are not medical doctors.—Public health and safety; Reasonableness; Consistency; Clarity.**

The proposed regulation contains a new Subsection (a)(4) which states that an acupuncturist or practitioner of Oriental medicine:

Shall, **within 60 calendar days** from the date of first treatment, refer the patient to a physician, dentist or podiatrist, as appropriate to the patient's condition, if the acupuncturist or practitioner of Oriental medicine determines that further acupuncture or Oriental medicine treatment is contraindicated for the patient or determines that the patient's condition has worsened. (Emphasis added.)

It is our understanding that, at least in part, the intent of this provision is to have the acupuncturist or practitioner of Oriental medicine refer a patient to another health care professional if medically necessary before the 60-day period has expired. However, the use of the phrase "within 60 calendar days from the date of first treatment" is unclear. We have two concerns.

First, the phrase "within 60 calendar days" could be interpreted as allowing an acupuncturist to wait until the 60th day before referring even though an earlier referral might be appropriate and necessary to protect the health and safety of the patient. Subsection (a)(4) also indicates that a referral to a doctor shall be made only when the acupuncturist determines the following:

- 1) Acupuncture or Oriental medicine is contraindicated; or
- 2) The patient's condition has worsened.

Acupuncturists should not wait until their patient's condition worsens if they can immediately determine that care from a medical doctor is appropriate and necessary to protect or improve the patient's health. The acupuncturist should refer a patient to a different provider as soon as he or she knows that the patient's condition is beyond the scope of acupuncture or herbal therapy. Even though acupuncture treatment may occur up to 60 days without one, Act 186 still requires a medical diagnosis. Hence, the statute recognizes the need for medical involvement. There is no limitation on the Board requiring an acupuncturist to make the proper referral at any time it is necessary.

There are examples of similar provisions in existing regulations. Current mandates at 49 Pa. Code §§ 18.6(6) and 18.509(a)(7) require midwives and athletic trainers to refer a patient to a physician if the patient presents a medical problem that is beyond their scope of practice. Another example is an existing regulation for physical therapists at 49 Pa. Code § 40.61(d)(3), which requires referral to a physician if a patient's case is beyond the education, expertise or experience of the physical therapist.

Second, the requirements of Subsection (a)(4) should not be limited to "within 60 days." Even after the patient receives a diagnosis from a doctor, a situation may arise during acupuncture treatment when there is a need for the acupuncturist to refer the patient back to the doctor.

In the final-form regulation, the Board should delete the phrase "within 60 days" from Subsection (a)(4), and it



should direct the acupuncturist and practitioner of Oriental medicine to refer a patient to a physician, dentist, or podiatrist as soon as it is appropriate and necessary to protect the patient. In addition, the Board should provide clear and thorough direction for when these referrals should occur.

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**Pennsylvania Gaming Control Board  
Regulation #125-84 (IRRC #2691)**

**Releases**

**July 2, 2008**

We submit for your consideration the following comments on the proposed rulemaking published in the May 3, 2008, *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Pennsylvania Gaming Control Board (Board) to respond to all comments received from us or any other source.

**General.—Need; Reasonableness; Clarity.**

*Right-to-Know Law reference*

Three different subsections of this regulation require executed releases that would allow the Board to obtain further information under the Pennsylvania Right-to-Know Law (Law) and the federal Freedom of Information Act (Act). Board staff has indicated that this is partially to obtain certain criminal information about the applicant. However, we note that a public record request under the Law would not yield access to this information. Additionally, we note that, under the Law, public records are accessible even without a signed release from the subject of the records. Therefore, we question why the Law is included in the proposed regulation. The Board should explain the need for an applicant to execute a release from the Law or it should delete it from the appropriate sections.

*Confidentiality of information*

Numerous commentators have expressed concern about whether the information obtained through the execution of a release would be protected by the confidentiality restrictions that the Board currently has in place or the confidentiality of information provided for under the Law and the Act. The final-form regulation should specify how this information will be protected.

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**Pennsylvania Gaming Control Board  
Regulation #125-85 (IRRC #2692)**

**Licensed Facility**

**July 2, 2008**

We submit for your consideration the following comments on the proposed rulemaking published in the May 3, 2008, *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Pennsylvania Gaming Control Board (Board) to respond to all comments received from us or any other source.

**1. Section 401a.3.—Definitions.—Statutory Authority; Legislative Intent; Whether the Regulation is in the Public Interest; Fiscal Impact; Possible Conflict with Statute; Need; Whether the Regulation represents a Policy Decision of Such Substantial Nature that It Requires Legislative Review; Reasonableness; Clarity.**

This proposed regulation changes the definition of “licensed facility” by restricting the location of the facility to “[t]he gaming floor and all restricted areas servicing slot operations together with all adjacent and proximate amenities . . . .”

According to the Preamble, the Board has changed the definition because “a number of questions have arisen as to how the term should be interpreted,” in particular with respect to linear distance between gaming facilities.

The Board has received several comments in opposition to this regulation from members of the legislature and the public who reside in Lebanon County, in particular, East Hanover Township. The Gaming Act (Act) provides that licensees must pay a “local share assessment” into the Gaming Fund.

See 4 Pa.C.S. § 1403. These commentators are concerned that the new definition will deny Lebanon County residents their portion of the local share assessment paid by Hollywood Casino, a Category 1 licensee, because the commentators assert that facility operations span across both Dauphin and Lebanon counties, and the new definition would extend the facility only as far as Dauphin County. However, as a result of their close proximity to the casino, Lebanon County providers offer various “associated” services to the casino, including sewage and emergency services.

We raise five issues.

*A. Statutory Authority, Possible Conflict with Statute and Clarity.*

First, we join several commentators in questioning whether the Board has the statutory authority to change the definition of “licensed facility” found in the Act. The Act defines a licensed facility as “the physical land-based location at which a licensed gaming entity is authorized to place and operate slot machines.” 4 Pa.C.S. § 1103. The new definition adds language stating that the facility includes:

“[t]he gaming floor and all restricted areas servicing slot operations together with all adjacent and proximate amenities, including, but not limited to, food, beverage and retail outlets and other areas directly accessible from the gaming floor or the restricted areas servicing slot operations . . . . The term does not encompass areas or amenities exclusive to pari-mutuel activities, hotel activities and other amenities and activities not related to slot machine gaming operations.”

If the Board can demonstrate its authority for changing the statutory definition, the Board should then clarify whether “physical land-based location” refers to an entire property owned by a licensee, or whether it refers to an identified structure(s) on that property. Furthermore, how does the proposal’s specific language relate to the Act’s reference to a “physical land-based location”? The Board should explain both how the proposed language is consistent with the Act, and the source of its statutory authority for changing the statutory definition.

Second, a commentator also questioned whether the Board has the authority to change this definition, because

to do so would interfere with rights exclusively granted by statute to the Department of Revenue (Department). See 4 Pa.C.S. § 1403 and 61 Pa. Code Ch. 1001. Has the Board consulted with the Department to determine what impact, if any, this regulation will have on the Department's operations?

*B. Legislative Intent and Whether the Regulation Represents a Policy Decision of Such a Substantial Nature That It Requires Legislative Review.*

Third, several legislators have expressed concern that the proposed regulation does not reflect the legislative intent of the Act. Overall, opposition stems from the claim that to change the definition creates a policy whereby East Hanover Township will no longer stand to receive the approximately \$350,000 in local share fees they believe they are entitled to under the Act. Senator Mike Folmer (48th Senatorial District) indicated that because this definition would preclude East Hanover Township from receiving its portion of the local share assessment, the regulation is "profoundly unfair considering that the original intent of the Gaming Law was to compensate municipalities for costs incurred as a result of the gaming facilities being located within their jurisdiction." Representatives Gingrich (101st Legislative District), Swanger (102nd Legislative District) and Marsico (105th Legislative District) collectively commented that the original intent of the Act was to define "licensed facility" as "the land-based location of the facility, as defined, whether they are part of the racetrack, part of a hotel, or even the parking lot." Additionally, Senator Tomlinson (6th Senatorial District) provided to the Board transcripts from the Senate floor debate on amendments to the Act.

The Board should explain how the final-form regulation is consistent with the intent of the General Assembly. Moreover, the Board should consider whether the underlying issues represent a policy decision of such a substantial nature that they require legislative review.

*C. Whether the Regulation is in the Public Interest; Need; Fiscal Impact; Reasonableness.*

Fourth, a Category 2 license applicant suggested changes to the second sentence of the definition, and indicated the definition should not include "[d]istinctly hotel related operations such as stand-along [sic] food and beverage outlets, catering facilities including room service facilities serving the hotel, convention, meeting and multi-purpose facilities and stand-alone retail facilities." The commentator stated that, without their suggested changes, an "unintended consequence" could be that "[e]mployees of . . . restaurants and retail shops that are leased to the tenants and not owned by the casino licensee . . . would have to be licensed by the Board as Non-Gaming employees." The commentator states that this could result in various regulatory and financial burdens. Has the Board considered the proposed changes recommended by this commentator? Without these changes, how will the Board avoid possible unnecessary costs for licensees?

Finally, the Preamble indicates that the rationale behind changing the definition is statutory provisions such as "[t]he Act requires that no Category 3 license shall be located within 15 linear miles of another licensed facility." As a result, "[q]uestions have been raised as to whether the 15 linear miles should be measured from the property line of the licensed facility or the building that houses the gaming floor." Given this concern, how does the proposed language address the confusion raised? If the purpose of the changes to the definition is solely to measure dis-

tance, has the Board considered including language restricting the new definition "for purposes of measuring linear distance between facilities only?"

**Department of Education  
Regulation #6-305 (IRRC #2693)**

**Auditing of Approved Private Schools and  
Chartered Schools for the Education of Deaf and  
Blind Children**

**July 2, 2008**

We submit for your consideration the following comments on the proposed rulemaking published in the May 3, 2008, *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Department of Education (Department) to respond to all comments received from us or any other source.

**General.—Statutory authority.**

In paragraph 9 of the Regulatory Analysis Form, the Department has identified as the statutory authority for this proposed regulation two provisions of the Public School Code specifically authorizing it to promulgate interim and final standards. 24 P. S. §§ 13-1376(c.8) and 13-1376.1(f.5). The authority to establish standards does not include the authority to regulate. Where the legislature intends to authorize the promulgation of regulations, it has done so explicitly. *Main Line Health, Inc., v. CAT Fund*, 738 A.2d 66 (Pa. Cmwlth. 1999), *affirmed* 777A.2d 1048 (Pa. 2001). Therefore, with submittal of the final-form regulation, the Department should further explain its statutory authority enabling this rulemaking.

**Section 171.202. General guidelines.—Fiscal impact; Need; Reasonableness.**

A commentator is concerned with the requirement, under Subsection (9), that reports from the independent auditors must be limited to the Approved Private School (APS) Program. The commentator asserts that the cost of preparation of a separate audit report for the APS program in addition to the standard audit report will impose a financial burden and reduce the funds available for direct student expenses. It suggests that the word "will" be changed to "may" to allow the APS to have the choice of submitting a separate report or including the report on the APS program within the standard audit report. To give an APS the opportunity to maximize its funds, we recommend the Department adopt the commentator's suggestion, or explain the need for two audit reports.

**State Athletic Commission  
Regulation #16-41 (IRRC #2694)**

**Mixed Martial Arts**

**July 9, 2008**

We submit for your consideration the following comments on the proposed rulemaking published in the May 10, 2008, *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the State Athletic Commission (Commission) to respond to all comments received from us or any other source.

**1. General.—Protection of the public health, safety and welfare; Implementation procedures; Clarity.**

*Referees*

According to the Regulatory Analysis Form submitted with the proposed rulemaking, the Commission anticipates that 100 professional and 180 amateur mixed martial arts (MMA) contestants will seek licenses to compete in Pennsylvania. In addition, the Commission estimates that five or six referees will become licensed and that 15 to 20 MMA events will be held each year. We have two concerns. First, if the number of professional and amateur contestants and the number of events held each year is greater than the estimates noted above, will there be enough qualified referees to officiate all of the matches?

Second, we believe that having a sufficient number of qualified referees familiar with the regulation and other safety protocols is essential to protecting the health and safety of the contestants. What implementation procedures are in place to ensure that a sufficient number of qualified referees are available for this new form of competition? We understand that the rules for boxing referees found at 58 Pa. Code § 21.11 would apply to MMA referees. Are those regulations sufficient to ensure that MMA referees are adequately trained and prepared to officiate an MMA contest?

*Commission approvals*

Several places in this regulation state that approval from the Commission is needed for contestant equipment, ring set-up and other match-related items. However, it is not clear how these approvals will be granted by the Commission. The final-form regulation should specifically state how contestants and promoters must obtain the approvals required through this regulation. The approvals in question include Sections 29.4(b)(4), (c)(4) and (c)(6), 29.9(a) through (d), 29.25(a) and (b), 29.26(a) and 29.27(a) through (f).

**2. Section 29.3. General requirements.—Clarity.**

*Fees*

Subsection (b) requires a professional contestant to be licensed by the Commission. Commission staff indicates that the fees for boxing apply also to MMA contestants. For clarity, the Commission should add a cross-reference to the appropriate boxing fees.

*Commission-approved forms*

Subsection (c) requires a debut professional contestant to complete a “Commission-approved form.” The final-form regulation should state how this form is obtained. A similar concern applies to debut amateur contestants under Section 29.22(d).

**3. Section 29.4. Ring or fenced area requirements.—Reasonableness; Clarity.**

Subsection (d) requires the promoter to “thoroughly clean” the ring area after each match. However, it is not clear what constitutes a “thorough” cleaning. Does the Commission intend for the ring area to be disinfected or merely washed down between matches? The final-form regulation should specify acceptable methods for cleaning the ring.

**4. Section 29.5. Duration of rounds.—Clarity.**

Subsections (a) and (b) both include the phrase “except with the permission of the Commission or the Executive Director.” Is written permission required or can it be oral? The final-form regulation should clarify this point.

**5. Section 29.12. Acts constituting fouls.—Clarity.**

It is not clear what constitutes a “flagrant foul” under Subsection (a). We note that the term is not defined in this section, in Section 29.2 (relating to Definitions) or in the Athletic Code relating to Boxing (5 Pa.C.S.A. § 302). To be clear, this term should be defined in the final-form regulation. A similar concern applies to Section 29.29(a).

**6. Section 29.17. Promoter licensing and bonding requirements.—Clarity.**

Subsection (3) requires that the Commission be given at least ten days notice prior to an event and that the promoters must receive written approval from the Commission in order to hold that event. We have two concerns. First, it is not clear whether the notification should be received by the Commission “at least 10 days in advance of the event” or if it merely should be post-marked by that date. This notice requirement should be clarified in the final-form regulation.

Second, in what timeframe will the Commission respond in order to allow enough time for the promoter to receive “written approval” before the event?

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 08-1348. Filed for public inspection July 18, 2008, 9:00 a.m.]

**Notice of Filing of Final Rulemakings**

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission’s public meetings are held at 333 Market Street, 14th Floor, in Harrisburg, PA at 10:30 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or you can obtain a copy from our web site, [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

*Final-Form*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
19-7	Department of Corrections County Correctional Institutions	7/3/08	8/7/08
19-9	Department of Corrections Stat Intermediate Punishment	7/3/08	8/7/08
12-71	Department of Labor and Industry Registration of Sign language Interpreters and Transliterators	7/8/08	8/21/08

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 08-1349. Filed for public inspection July 18, 2008, 9:00 a.m.]

## INSURANCE DEPARTMENT

### AIG Life Insurance Company; Rate Increase Filing for LTC Forms 64028-PA and C12277-PA; Rate Filing

AIG Life Insurance Company is requesting approval to increase the premium 25% on Long-Term Care policy forms 64028-PA and C12277-PA. A total of 578 Pennsylvania policyholders will be affected by this rate adjustment.

Unless formal administrative action is taken prior to October 2, 2008, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.ins.state.pa.us](http://www.ins.state.pa.us). Scroll down the home page and click on "Consumer Information" located on the left side. Next scroll down to "General Information," located in the middle of the page, and click on "Notices." The pdf copy of this filing is located at the link "Filing.pdf" following the name of the filing.

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Insurance Department's Harrisburg Regional office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@state.pa.us](mailto:jlaverty@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 08-1350. Filed for public inspection July 18, 2008, 9:00 a.m.]

### First Priority Health—BlueCare HMO Individual Conversion Rate Filing; Rate Filing

By filing No. H-1423-FPH NGConver-10-01-2008, First Priority Health requests approval to increase the BlueCare HMO Individual Conversion rates by an average of 12.6%. This filing will affect approximately 1,300 monthly members and will generate additional revenue of approximately \$574,450 annually. The requested effective date of the change is October 1, 2008.

This filing also proposes to make the following benefit changes:

- Primary Care Physicians/Pediatric Preventive Care—Copay changed from \$10 per visit to \$20 per visit.

### HealthAmerica Pennsylvania, Inc.—HMO Conversion Rates; Eastern, Western and Southeastern Service Areas; Rate Filing

On June 27, 2008, HealthAmerica submitted a rate filing to replace the current conversion benefit with three new benefit options. Because the three new benefit options have higher cost sharing, most of the rate adjustments are rate decreases. The rate adjustments range from -20.5% to 1.1%. This filing will affect approximately 270 contracts. The requested effective date of the change is January 1, 2009.

- Specialist/Outpatient Mental Health—Copay changed from \$10 to \$40 per visit.

- Emergency Room—Copay changed from \$25 to \$100 per visit.

- Inpatient Hospitalization/Skilled Nursing Facility/Inpatient Mental Health/Substance Abuse—Benefit changed from 100% coverage with no copay per visit to \$100 copay per admission.

- Outpatient Surgery (facility fees)—Benefit changed from 100% coverage with no copay in SPU, hospital outpatient department or free-standing surgical facility.

- Home Health/Home Infusion Therapy—Copay changed from \$20 to \$15 per visit.

- Outpatient Diagnostic, MRI, MRA, CTSCAN, PET SCAN—Benefit changed from 100% coverage with no copay to \$75 copay per test/scan.

- Physical/Speech/Occupational Therapy—Benefit changed from 100% coverage with no copay to \$40 per visit per provider.

- DME/Orthotics/Prosthetics—from 100% coverage up to \$2,500 combined calendar year max to 100% coverage up to \$5,000 combined calendar year max.

- Diabetic Supplies—from \$8 copay to \$20 per script for equipment and supplies.

In addition, the rates will be changed from 4 tiers to 5 tiers by separating out the rates for Parent/Child and Parent/Children. The previous changes are being made in order to provide affordable and adequate health care coverage to the members and bring more personal accountability.

Unless formal administrative action is taken prior to September 25, 2008, the subject filing may be deemed approved by operation of law.

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

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg Regional office.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [rmathur@state.pa.us](mailto:rmathur@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 08-1351. Filed for public inspection July 18, 2008, 9:00 a.m.]

The current benefit option:

Product	Lifetime Max	PCP/ Specialist	Coin	Ded	INP	OP	ER	RAD	OOP Max
HMO	Unlimited	\$15	100%	\$0	\$0	\$0	\$50	\$0	-

Replacement Options:

Product	Lifetime Max	PCP/ Specialist	Coin	Ded (3x)	INP	OP	ER	RAD	OOP Max
HMO I	Unlimited	\$20/\$40	100%	\$0	\$250	\$100	\$125	\$25	-
HMO II	Unlimited	\$20/\$40	90%	\$250/ \$750	\$100	\$100	\$125	\$25	\$1,500/ \$4,500
HMO III	Unlimited	\$20/\$40	80%	\$500/ \$1,500	\$100	\$100	\$125	\$25	\$3,000/ \$9,000

Unless formal administrative action is taken prior to October 2, 2008, the subject filing may be deemed approved by operation of law.

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

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg Regional office.

Interested parties are invited to submit written comments, suggestions, or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [csandersjo@state.pa.us](mailto:csandersjo@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 08-1352. Filed for public inspection July 18, 2008, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

#### *Executive Board*

Resolution #CB-07-332, Dated December 6, 2007. The Executive Board authorizes the Agreement with AFSCME that provides service increments for clerical workers in the LIHEAP program during Fiscal Years 2007-08, 2008-09 and 2010-11.

Resolution #CB-07-333, Dated December 10, 2007. The Executive Board authorizes the Act 111 interest arbitration award between the Commonwealth and the Fraternal Order of Police, Lodge #85, Capitol Police. The award provides for the establishment of rates of pay, hours of work, and other conditions of employment for the period July 1, 2007, through June 30, 2011.

Resolution #CB-07-362, Dated March 3, 2008. The Executive Board authorizes the Agreement between the Commonwealth and FOSCEP for the rank and file unit (4). The agreement provides for the establishment of rates

of pay, hours of work, and other conditions of employment for the period July 1, 2007, through June 30, 2011.

Resolution #CB-07-363, Dated March 3, 2008. The Executive Board authorizes the Memorandum of Understanding between the Commonwealth and FOSCEP for the first-level supervisory unit (C5). The memorandum of Understanding provides for the establishment of rates of pay, hours of work, and other conditions of employment for the period July 1, 2007, through June 30, 2011.

Resolution #CB-08-022, Dated January 28, 2008. The Executive Board authorizes the interest arbitration award between the Commonwealth and the PSRA, covering the period July 1, 2007, through June 30, 2011.

Resolution #CB-08-023, Dated January 28, 2008. The Executive Board authorizes the Memorandum of Understanding between the Commonwealth and the Pennsylvania Liquor Control Board Enforcement Officers III Meet and Discuss Unit (K5). The MOU provides for the establishment of rates of pay, hours of work, and other conditions of employment for the period July 1, 2007, through June 30, 2011.

Resolution #CB-08-024, Dated January 28, 2008. The Executive Board authorizes the Agreement between the Commonwealth and the Pennsylvania State Corrections Officer's Association. The agreement provides for the establishment of rates of pay, hours of work, and other conditions of employment for the period July 1, 2005, through June 30, 2008.

Resolution #CB-08-030, Dated February 8, 2008. The Executive Board authorizes the Collective Bargaining Agreement between the Commonwealth and the United Food and Commercial Workers Union (UFCW) for the nonsupervisory unit (M1). The Collective Bargaining

Agreement provides for the establishment of rates of pay, hours of work, and other conditions of employment for the period July 1, 2007, through June 30, 2011.

Resolution #CB-08-080, Dated April 4, 2008. The Executive Board authorizes the Memorandum of Understanding between the Commonwealth and Unemployment Compensation Referees first-level supervisory unit (I5). The Memorandum of Understanding provides for the establishment of rates of pay, hours of work, and other conditions of employment for the period July 1, 2007, through June 30, 2011.

Resolution #CB-08-091, Dated April 7, 2008. The Executive Board authorizes the Collective Bargaining Agreement between the Commonwealth and PUC Assistant Counselors nonsupervisory unit (Z4). The Collective Bargaining Agreement provides for the establishment of rates of pay, hours of work, and other conditions of employment for the period July 1, 2007, through June 30, 2011.

Resolution #CB-08-094, Dated April 18, 2008. The Executive Board authorizes the side letter with AFSCME that provides for flight pay of \$5 per hour for employees involved in nonscheduled aerial flights. This side letter replaces a previous side letter dated May 20, 1993.

Resolution #CB-08-107, Dated April 23, 2008. The Executive Board authorizes the side letter with AFSCME that provides for lump sum payments for employees in the Department of Labor and Industry who acquire UCC certifications.

Resolution #CB-08-108, Dated April 23, 2008. The Executive Board authorizes the side letter with AFSCME that provides for one-time lump sum payments to individuals in the Forest Fire Specialist Supervisor classification as an incentive to attain fire investigation and prescribed burn certifications.

*Governor's Office*

Management Directive No. 315.28—Taxability of State-Provided Parking, Amended June 18, 2008.

Management Directive No. 580.21—Veterans' Preference on Classified Service Employment Lists, Amended May 5, 2008.

Management Directive No. 580.37—Promotion by Appointment of Unclassified Service Employees into the Classified Service, Amended May 5, 2008.

Administrative Circular No. 08-10—Office Relocation Within the Department of General Services, Dated June 12, 2008.

MARY JANE PHELPS,  
*Director*  
*Pennsylvania Bulletin*

[Pa.B. Doc. No. 08-1353. Filed for public inspection July 18, 2008, 9:00 a.m.]

## OFFICE OF ATTORNEY GENERAL

### Public Meeting

Public notice is hereby given of a meeting of the Lobbying Disclosure Regulation Committee (Committee) established under November 1, 2006 (P. L. 1213, No. 134)

(Act 134). The meeting will be held on Thursday, July 24, 2008, at 9:30 a.m. in Hearing Room 3, North Office Building, Harrisburg, PA.

The purpose of the meeting will be for the Committee to consider regulations under Act 134 of 2006 and to receive public comments. Visit [www.attorneygeneral.gov](http://www.attorneygeneral.gov) for more information and to view a copy of the complete agenda.

THOMAS CORBETT,  
*Attorney General*

[Pa.B. Doc. No. 08-1354. Filed for public inspection July 18, 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 August 4, 2008. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

### Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

**A-2008-2041755. Edward R. Duffy** (439 Greenland Drive, Lancaster, Lancaster County, PA 17602)—persons, in paratransit service, limited to persons whose personal convictions and/or physical disabilities prevent them from owning or operating motor vehicles, from points in the County of Lancaster to points in Pennsylvania, and return.

**A-2008-2042574. Lisa Marie Thompson** (R. D. 5, Box 37B, Tyrone, Blair County, PA 16686), persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points within an airline distance of 100 statute miles from the city limits of Tyrone, Blair County, to points in Pennsylvania and return.

**A-2008-2047285. Edward A. Stoltzfus** (1145 Brownstone Road, New Holland, Lancaster County, PA 17557)—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.

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. United Limousine Service, Inc.; Doc. No. C-2008-2036774*

### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth

of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That all authority issued to United Limousine Service, Inc. (respondent) is under suspension effective December 4, 2007 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 3247 Frankford Avenue, Philadelphia, PA 19134.
3. That respondent was issued a Certificate of Public Convenience by this Commission on February 05, 2002, at Application Docket No. A-00118265.
4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

*Wherefore*, unless respondent causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at Docket No. A-00118265 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services and  
Enforcement  
Bureau of Transportation and Safety

#### NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice,

52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in the Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Transportation and Safety  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Acord Certificates of Insurance and Faxed Form Es and Hs are **UNACCEPTABLE** as Evidence of Insurance.

The fine payment must be made to the Commonwealth of Pennsylvania and forwarded to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations.

Upon receipt of the evidence of insurance from your insurer and receipt of your fine payment, the Complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of  
 Transportation and Safety v. Transcon Refrig Lines, Inc.;*  
*Doc. No. C-2008-2035627*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That all authority issued to Transcon Refrig Lines, Inc. (respondent) is under suspension effective January 16, 2008, for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 130 Armstrong Road, O'Hara Industrial Park, Pittston, PA 18640.
3. That respondent was issued a Certificate of Public Convenience by this Commission on July 20, 1990, at Application Docket No. A-00108892.
4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

*Wherefore*, unless respondent causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at Docket No. A-00108892 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
 Motor Carrier Services & Enforcement Division  
 Bureau of Transportation and Safety  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

Wendy J. Keezel, Chief of Enforcement  
 Motor Carrier Services and  
 Enforcement  
 Bureau of Transportation and Safety

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in the Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Transportation and Safety  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Acord Certificates of Insurance and Faxed Form Es and Hs are **UNACCEPTABLE** as Evidence of Insurance.

The fine payment must be made to the Commonwealth of Pennsylvania and forwarded to:

James J. McNulty, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations.

Upon receipt of the evidence of insurance from your insurer and receipt of your fine payment, the Complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience.



Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-1355. Filed for public inspection July 18, 2008, 9:00 a.m.]

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### Telecommunications

**A-2008-2049346. The United Telephone Company of Pennsylvania, d/b/a Embarq and Neutral Tandem-Pennsylvania, LLC.** Joint petition of The United Telephone Company of Pennsylvania, d/b/a Embarq and Neutral Tandem-Pennsylvania, LLC for approval of a master interconnection, collocation and resale agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania, d/b/a Embarq and Neutral Tandem-Pennsylvania, LLC, by its counsel, filed on June 24, 2008, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a master interconnection, collocation and resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the The United Telephone Company of Pennsylvania, d/b/a Embarq and Neutral Tandem-Pennsylvania, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-1356. Filed for public inspection July 18, 2008, 9:00 a.m.]

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### Telecommunications

**A-2008-2049484. Verizon North, Inc. and PNG Telecommunications, Inc., d/b/a Powernet Global Communications, Inc., d/b/a Powernet Global Communications, Inc., d/b/a Powernet Global Communications, Inc., d/b/a Powernet Global Communications** for approval of an interconnection agreement and amendment No. 1 to the interconnections agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and PNG Telecommunications, Inc., d/b/a Powernet Global Communications, by its counsel, filed on June 27, 2008, at the Pennsylvania Public Utility

Commission (Commission), a joint petition for approval of an interconnection agreement and amendment No. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and PNG Telecommunications, Inc., d/b/a Powernet Global Communications joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-1357. Filed for public inspection July 18, 2008, 9:00 a.m.]

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### Telecommunications

**A-2008-2049377. Verizon Pennsylvania, Inc. and Crossroads Wireless Holding, LLC.** Joint petition of Verizon Pennsylvania, Inc. and Crossroads Wireless Holding, LLC for approval of amendment No. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Crossroads Wireless Holding, LLC, by its counsel, filed on July 3, 2008, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment No. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Crossroads Wireless Holding, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-1358. Filed for public inspection July 18, 2008, 9:00 a.m.]

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### Telecommunications

**A-2008-2049506. Verizon Pennsylvania, Inc. and PNG Telecommunications, Inc., d/b/a Powernet Global Communications, Inc., d/b/a Powernet Global Communications, Inc., d/b/a Powernet Global Communications, Inc., d/b/a Powernet Global Communications** for approval of an interconnection agreement and amendment No. 1 to the interconnections agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and PNG Telecommunications, Inc., d/b/a Powernet Global Communications, by its

counsel, filed on June 30, 2008, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement and amendment No. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and PNG Telecommunications, Inc., d/b/a Powernet Global Communications joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-1359. Filed for public inspection July 18, 2008, 9:00 a.m.]

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## STATE BOARD OF COSMETOLOGY

**Bureau of Professional and Occupational Affairs v.  
Kathleen M. Archambault; Doc. No. 0972-56-2008**

On May 6, 2008, Kathleen M. Archambault, license no. RS-217431-L, of Reading, Berks County, was suspended under the Order of the Court of Common Pleas of Berks County dated May 6, 2008, which the Court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). The suspension is effective immediately.

Individuals may obtain a copy of the order by writing to Gerald S. Smith, Senior Counsel in Charge, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

SUSAN E. RINEER,  
*Chairperson*

[Pa.B. Doc. No. 08-1360. Filed for public inspection July 18, 2008, 9:00 a.m.]

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## STATE BOARD OF EDUCATION

**Application to Combine the Center Area School  
District and Monaca School District**

### **Application and Opportunity for Hearing**

Acting under section 224 of the Public School Code (School Code) (24 P. S. § 2-224), the Center Area School District and the Monaca School District (both situate in Beaver County) filed with the Secretary of Education (Secretary) an application for approval to combine as one school district. Under section 224 of the School Code, it is the responsibility of the State Board of Education (Board) to review the school districts' application and approve it

"as it deems wise in the best interest of the educational system of the Commonwealth."

As part of its consideration of an application of school districts to combine, the Board has the discretion under section 224 to permit any school district or interested party that is aggrieved by the application to file objections, stating why the application will cause it harm and the facts supporting that harm. In addition, the Board has the discretion generally to seek comment from the general public respecting the application to combine.

In accordance with section 224 of the School Code, the Board invites any school district or interested party aggrieved by the application to combine to file its objections to the application with the Board. Also, the Board invites any member of the public to submit written comments to the Board and to present testimony at public hearings that the Board will convene as part of its consideration of the application to combine. Objections and written public comment must be received by the Board at its offices at 333 Market Street, Harrisburg, PA 17126-0333 or j buckheit@state.pa.us no later than August 8, 2008.

### *Background*

Section 224 of the School Code provides as follows:

Any two or more school districts . . . may combine to create a larger school district. The board of school directors of each school district shall, by majority vote, adopt a resolution outlining the areas to be combined and file an application with the Secretary. The Secretary shall place such application on the agenda of the Board for its consideration.

The Board shall review the application and approve it as it deems wise in the best interest of the educational system of the Commonwealth.

The Board may continue the application on its agenda and may permit any school district or interested party, aggrieved by the petition, to file its objection. Such objection shall set forth the basis for and facts of aggrievement.

If an application is not approved it shall be returned to the applying districts for resubmission in accordance with such recommendations as may be attached thereto.

When an application receives approval, the Board shall direct the Secretary to issue a certificate creating the new school district, listing the name, constituting components, classification and effective date of operation.

### *24 P. S. § 2-224*

On October 25, 2007, the Board of School Directors of the Center Area School District and the Board of School Directors of the Monaca School District jointly transmitted to the Secretary an application for approval to combine the two school districts. On November 30, 2007, the Secretary forwarded the application to the Board for placement on its agenda. On December 18, 2007, following the installation of new members of the boards of school directors, the Secretary and the Board agreed to defer for 60 days further consideration of the school districts' application. Following further discussions with representatives of the two school districts, the Secretary and the Board agreed to defer consideration of the application to combine until the school districts mutually agree to proceed.

On June 12, 2008, the Board of School Directors of the Center Area School District and the Board of School Directors of the Monaca School District each approved a revised application to combine. The school districts transmitted the revised application to the Secretary, which the Secretary transmitted to the Board on June 23, 2008. Copies of the application to combine, as well as other documents filed with the Board, are available from the offices of the Board, which may be reached at (717) 787-3787.

*Procedure*

In accordance with the regulations of the Board, 22 Pa. Code § 1.5 (relating to applicability of general rules before the Board), the application to combine will be considered under 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) (General Rules). The chairperson of the Board has appointed a committee to conduct all necessary proceedings under section 224 of the School Code and the General Rules and to recommend final action by the Board under section 224 (relating to School Code).

The Board committee will conduct a public hearing on August 18, 2008, in the Auditorium of the Student Union

Building, Penn State University—Beaver Campus, 100 University Drive, Monaca, PA. There will be two sessions. The first will begin at 1:30 p.m. The second will begin at 6:30 p.m. Individuals wishing to provide testimony must register in advance. Individual oral testimony is limited to 10 minutes. Twenty-five written copies of testimony must be provided to the Board at the hearing. Those providing testimony may summarize or highlight the key points contained in their written testimony when making their oral comments. Individuals will be assigned a 10 minute time slot during which they may present their testimony. Those registered to present testimony are requested to arrive at least 30 minutes prior to their scheduled time slot in case of last minute cancellations and no shows. To register to present testimony, call (717) 787-3787 during regular business hours (Monday through Friday, 8 a.m. to 4:30 p.m.).

JIM BUCKHEIT,  
*Executive Director*

[Pa.B. Doc. No. 08-1361. Filed for public inspection July 18, 2008, 9:00 a.m.]



