



Volume 38 (2008)

Pennsylvania Bulletin
Repository

8-16-2008

August 16, 2008 (Pages 4495-4596)

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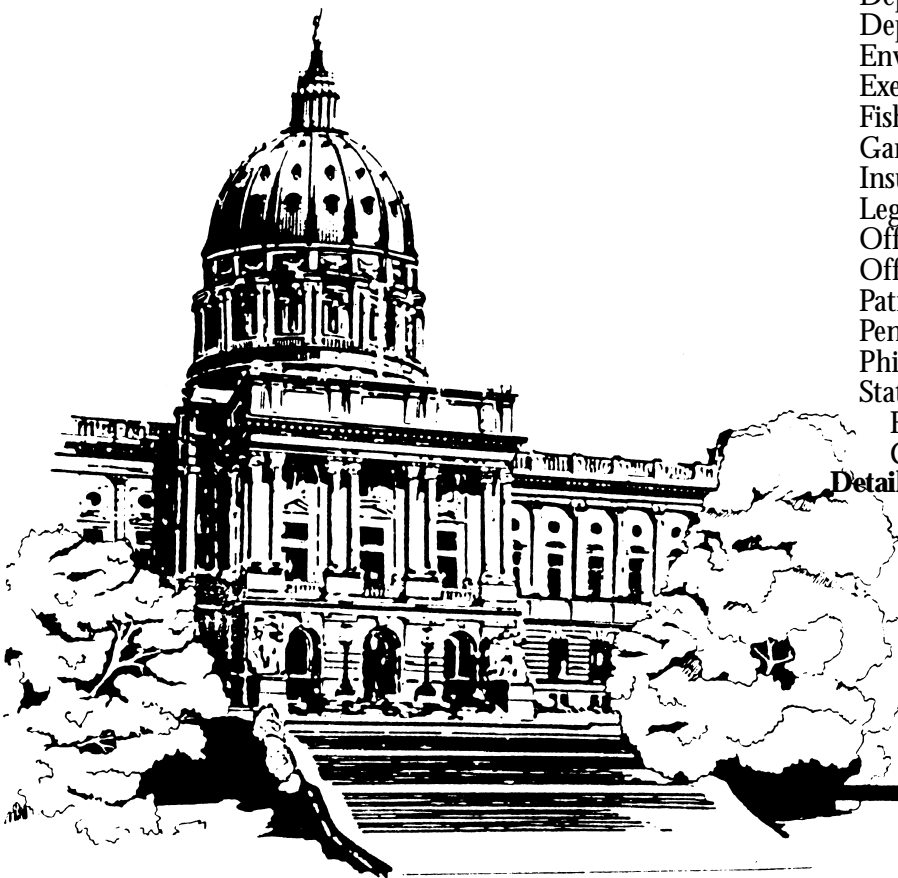
PENNSYLVANIA BULLETIN

Volume 38
Saturday, August 16, 2008 • Harrisburg, PA
Number 33
Pages 4495—4596

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

No. 405, August 2008

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BULLETIN

(ISSN 0162-2137)

published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 641 Main Capitol Building, Harrisburg, Pa. 17120, under the policy supervision and direction of the Joint Committee on Documents pursuant to Part II of Title 45 of the Pennsylvania Consolidated Statutes (relating to publication and effectiveness of Commonwealth Documents). Subscription rate \$82.00 per year, postpaid to points in the United States. Individual copies \$2.50. Checks for subscriptions and individual copies should be made payable to "Fry Communications, Inc." Periodicals postage paid at Harrisburg, Pennsylvania.

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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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THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

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

Notice of Proposed Amendments to the Pennsylvania Rules of Disciplinary Enforcement Relating to the Conservators for Interests of Clients

The Disciplinary Board of the Supreme Court (Board) of Pennsylvania is considering recommending to The Supreme Court of Pennsylvania that it amend the Pennsylvania Rules of Disciplinary Enforcement, as set forth in Annex A, to make a number of changes in the rules relating to conservators appointed to protect the interests of clients of absent attorneys.

The proposed amendments reflect the experience of the Board with conservatorships under existing Rules 321, 322, 324, 325 and 328 of the Pennsylvania Rules of Disciplinary Enforcement over the past several years. Among the important changes being proposed are the following:

1. A provision would be added to provide that in cases where the Office of Disciplinary Counsel serves as a conservator, that office still has the authority to investigate and/or prosecute possible misconduct based on evidence obtained during its service as conservator.

2. Under the current rules, the presumption is that conservators will serve without compensation. In cases where nondisciplinary counsel conservators are appointed, the Board is proposing that they be compensated under a written agreement with the Office of Disciplinary Counsel at an hourly rate identical to that received by court-appointed counsel at the noncourt appearance rate in the judicial district where the conservator was appointed.

3. Pa.R.D.E. 321(a) would be amended to require the written concurrence of disciplinary counsel when applications to appoint conservators are filed by any other interested person. This provision would ensure that no attorney will be appointed as conservator until any compensation issues are resolved to Office of Disciplinary Counsel's satisfaction.

4. New Pa.R.D.E. 322(c) would require that the conservator make reasonable effort to identify and send written notice to all clients of the absent attorney whose files were opened within 5 years of the appointment, regardless of whether the case is active or not, and shall also identify and send written notice to all clients whose cases are active, regardless of the age of the file. All clients whose files are identified as both inactive and older than 5 years shall be given notice of the appointment of a conservator by publication of a notice all aspects of which are to be approved by the appointing court.

Interested persons are invited to submit written comments regarding the proposed amendments to the Office of the Secretary, The Disciplinary Board of the Supreme

Court of Pennsylvania, First Floor, Two Lemoyne Drive, Lemoyne, PA 17043, on or before September 8, 2008.

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

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart B. DISCIPLINARY ENFORCEMENT

CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Subchapter C. DISABILITY AND RELATED MATTERS

Rule 321. Appointment of conservator to protect interests of clients of absent attorney.

(a) Upon application of Disciplinary Counsel, or any other interested person **with the written concurrence of Disciplinary Counsel**, the president judge of a court of common pleas shall have the power to appoint one or more eligible persons to act as conservators of the affairs of an attorney or formerly admitted attorney if:

(1) the attorney maintains or has maintained an office for the practice of law within the judicial district; **and**

(2) **[(Reserved).] any of the following applies:**

(i) the attorney is made the subject of an order under Enforcement Rule 208(f) (relating to emergency interim suspension orders and related matters); **or**

(ii) the president judge of the court of common pleas pursuant to Enforcement Rule 217(g) (relating to formerly admitted attorneys) by order directs Disciplinary Counsel to file an application under this rule [,] ; or

(iii) the attorney **abandons his practice, disappears, dies or** is transferred to inactive status because of incapacity or disability [, **or disappears or dies**] ; and

* * * * *

(e) The conservator or conservators shall be appointed by the president judge from among members of the bar of this Commonwealth **[who] , subject to the following:**

(1) **nondisciplinary counsel conservators:**

(i) **[are not representing] shall not represent** any party who is adverse to any known client of the absent attorney; and

[(2)] (ii) shall have no adverse interest or relationship with the absent attorney or his or her estate.

Official Note: Nothing in the Rules of Professional Conduct relating to conflict of interest, confidentiality, or any other provision, shall prevent the Office of Disciplinary Counsel from serving as conservator, and from subsequently pursuing an investigation, and disciplinary prosecution of the absent attorney, based upon information gathered during the course of disciplinary counsel's service as a conservator, given that office's unique duties and responsibilities to protect the public and the integrity of the judicial system.

* * * * *

(g) The filing by Disciplinary Counsel or any other interested person of an application for the appointment of a conservator under these rules shall operate as an automatic stay of all pending legal or administrative proceedings in this Commonwealth where the absent attorney is counsel of record until the earliest of such time as:

(1) the application for appointment of a conservator is denied;

(2) the conservator is discharged;

(3) the court, tribunal, magisterial district or other government unit in which a matter is pending orders that the stay be lifted; or

(4) 30 days after the court, tribunal, magisterial district or other government unit in which a matter is pending is notified that substitute counsel has been retained.

(h) As used in this rule, the term "government unit" has the meaning set forth in 42 Pa.C.S. § 102 (relating to definitions).

Rule 322. Duties of conservator.

* * * * *

(c) [The conservator shall send written notice to all clients of the absent attorney of the fact of the appointment of a conservator, the grounds which required such appointment, and the possible need of the clients to obtain substitute counsel. All such notices shall include the name, address and telephone number of any lawyer referral service or similar agency available to assist in the location of substitute counsel. The conservator shall, if necessary, send a second written notice to all clients of the absent attorney whose files appear to be active. A file may be returned to a client upon the execution of a written receipt, or released to substitute counsel upon the request of the client and execution of a written receipt by such counsel. The conservator shall deliver all such receipts to the appointing court at the time of filing the application for discharge. On approval by the appointing court of the application for discharge, all files remaining in the possession of the conservator shall be destroyed by the conservator in a secure manner which protects the confidentiality of the files.]

(1) The conservator shall make a reasonable effort to identify all clients of the absent attorney whose files were opened within five (5) years of the appointment of the conservator, regardless of whether the case is active or not, and a reasonable effort to identify all clients whose cases are active, regardless of the age of the file. The conservator shall send all such clients, and former clients, written notice of the appointment of a conservator, the grounds which required such appointment, and the possible need of the clients to obtain substitute counsel. All such notices shall include the name, address and telephone number of any lawyer referral service or similar agency available to assist in the location of substitute counsel. The conservator shall, if necessary, send a second written notice to all clients of the absent attorney whose files appear to be active.

(2) All clients whose files are identified by the conservator as both inactive and older than five (5) years shall be given notice by publication of the appointment of a conservator, the grounds which required such appointment, and the possible need of the clients to obtain substitute counsel. All such notices shall include the name, address and telephone number of any lawyer referral service or similar agency available to assist in the location of substitute counsel. The specific method of publication shall be approved by the appointing court, as to both the method, and duration, of publication. The conservator shall deliver proofs of publication to the appointing court at the time of filing the application for discharge.

(3) A file may be returned to a client upon the execution of a written receipt, or released to substitute counsel upon the request of the client and execution of a written receipt by such counsel. The conservator shall deliver all such receipts to the appointing court at the time of filing the application for discharge. On approval by the appointing court of the application for discharge, all files remaining in the possession of the conservator shall be destroyed by the conservator in a secure manner which protects the confidentiality of the files.

* * * * *

(e) The conservator shall file a written report with the appointing court and the Board no later than 30 days after the date of appointment covering the matters specified in subdivisions (a) through (c) of this rule. If those duties have not been accomplished, then the conservator shall state what progress has been made in that regard. Thereafter, the conservator shall file a similar written report every [30] 60 days until discharge.

(f) In the case of a deceased attorney, the Conservator shall notify the executor of the estate of the Disciplinary Board's need to be reimbursed by the estate for the costs and expenses incurred in accordance with Rule 328(c) (relating to compensation and expenses of conservator.)

Rule 324. Bank and other accounts.

* * * * *

(c) The conservator may engage the services of a certified public accountant when considered necessary to assist in the bookkeeping and auditing of the financial accounts and records of the absent attorney.

(1) If the state of the financial accounts and records of the absent attorney, or other relevant circumstances, render a determination as to ownership of purported client funds unreasonable and impractical, the conservator shall petition the appointing court for permission to pay all funds held by the absent attorney in any trust, escrow, or IOLTA account, to the Disciplinary Board for any unreimbursed costs of the conservatorship and to the Lawyers Fund For Client Security for any awards made to clients of the absent attorney. In the event there are funds remaining in the accounts, the court in its discretion may direct that said funds be paid to the Disciplinary Board, the Lawyers Fund for Client Security or the Interest On Lawyers Trust Account (IOLTA) Board. Any petition filed under this subsection shall be served by publication, the specific method and duration of which shall be approved by the appointing court.

* * * * *

Rule 325. Duration of conservatorship.

Appointment of a conservator pursuant to these rules shall be for a period of no longer than six months. The appointing court shall have the power, upon application of the conservator and for good cause, to extend the appointment for an additional three months. Any order granting such an extension shall include findings of fact in support of the extension. **No additional extensions shall be granted absent a showing of extraordinary circumstances.**

Rule 328. Compensation and expenses of conservator.

(a) A conservator [shall normally serve without compensation, but where a conservatorship is expected to be prolonged or require greater effort than normal the appointing court may, with the prior written approval of the Board Chairman, order that the conservator be compensated on an agreed basis. Any such agreement shall be filed with the Office of the Secretary.] not associated with the Office of Disciplinary Counsel shall be compensated pursuant to a written agreement between the conservator and the Board Chair. Compensation under such an agreement shall be paid at reasonable intervals, and at an hourly rate identical to that received by court-appointed counsel at the non-court appearance rate in the judicial district where the conservator was appointed. Where the conservator believes that extraordinary circumstances justify an enhanced hourly rate, the conservator may apply to the Board Chair for enhanced compensation. Such an application shall be granted only in those situations where extraordinary circumstances are shown to justify enhanced compensation.

[(b) Upon the completion of a conservatorship, the appointing court, with the prior written approval of the Board Chairman, shall have the power to award compensation or to increase compensation previously agreed to upon application of the conservator and upon demonstration by the conservator that the nature of the conservatorship was extraordinary and that failure to award or increase previously agreed compensation would work a substantial hardship on the conservator. In such event, compensation shall be awarded only to the extent that the efforts of the conservator have exceeded those normally required or reasonably anticipated at the time the original compensation agreement was approved.]

[(c) (b) The necessary expenses (including, but not limited to, the fees and expenses of a certified public accountant engaged pursuant to Enforcement Rule 324(c)) and any compensation of a conservator or any attendant staff shall, if possible, be paid by the absent attorney or his or her estate. [If not so paid, then upon certification by the president judge of the appointing court and approval by the Board Chairman, the] Any expenses and any compensation of the conservator that are not reimbursed to the Board shall be paid as a cost of disciplinary administration and enforcement. [See Enforcement Rule 219(a) (relating to periodic assessment of attorneys).] Payment of any costs incurred by the Board pursuant to this rule that have not been reimbursed to the Board may be made a condition of reinstatement of a

formerly admitted attorney or may be ordered in a disciplinary proceeding brought against the absent attorney.

[Pa.B. Doc. No. 08-1482. Filed for public inspection August 15, 2008, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

[234 PA. CODE CH. 6]

Order Amending Rule 644 Governing Note Taking by Jurors; No. 366; Doc. No. 2

Order

And Now, this 31st day of July, 2008, the effective date of the sunset provision of Pa.R.Crim.P. 644(C) is hereby suspended until further Order of Court.

This *Order* shall be effective immediately.

RONALD D. CASTILLE,
Chief Justice

[Pa.B. Doc. No. 08-1483. Filed for public inspection August 15, 2008, 9:00 a.m.]

Title 255—LOCAL COURT RULES

DAUPHIN COUNTY

Promulgation of Local Rule 5005; No. 1793 S 1989

Order

And Now, this 30th day of July, 2008, Dauphin County Local Rule 5005 is rescinded.

[RULE 5005 FORFEITURE ACTIONS

1. All petitions in forfeiture filed pursuant to 42 Pa.C.S.A. § 6801 and § 6802 shall be filed and indexed in the Office of the Prothonotary.

The caption shall include a cross-reference (by defendant name and docket number) to any criminal action. The case shall thereafter proceed in accordance with the procedures set forth in § 6802.

2. Dauph. R.C.P. 1301—Arbitration shall be applicable to all actions in forfeiture.

3. Pa.R.C.P. 1007.1—Jury Trial. Demand, Waiver is made applicable to all actions in forfeiture.]

COMMENT 2008: Rule 5005 is rescinded since the subject matter has been included in Rule 206.4(c).

The amendment will be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

RICHARD A. LEWIS,
President Judge

[Pa.B. Doc. No. 08-1484. Filed for public inspection August 15, 2008, 9:00 a.m.]

McKEAN COUNTY

Promulgation of Rule L1302; Civil Division; No. 158 December 1904

Order

And Now, this 7th day of August, 2008, the Court Orders the following:

- 1. Local Rule of Civil Procedure L1302 is hereby amended and shall become effective thirty (30) days after publication in the Pennsylvania Bulletin;
2. The Court Administrator of the 48th Judicial District is hereby Ordered and Directed to do the following:
a. File seven (7) certified copies of this Order and the pertinent Rules with the Administrative Office of Pennsylvania Courts;
b. File two (2) certified copies and a computer diskette containing this Order and the pertinent Rule with the Legislative Reference Bureau for publication in the Pennsylvania Bulletin;
c. File one (1) certified copy of this Order and the pertinent Rule with the Civil Procedure Rules Committee;
d. Keep continuously available for public inspection, copies of this Order and the Local Rules.

JOHN H. YODER, President Judge

CIVIL ACTION-(LAW) (EQUITY)
No.
Plaintiff,
vs.
Defendant.
Type of Case:
Type of Pleading:
Compulsory Arbitration Yes No
Filed on Behalf of:
(Plaintiff/Defendant)
Counsel of Record for this Party:
(Name of Attorney)
Supreme Court No:
(Firm name, if any)
(Address)
(Phone)
Dated: Counsel of Record For Adverse Party:

equity actions, actions upon bail bonds and recognizances, actions upon penal statutes, and other actions which do not involve the recovery of money damages, including divorce, mandamus and quo warranto, shall be submitted to and heard and decided by a Board of Arbitration which shall be composed of three (3) attorneys. The Prothonotary shall maintain a list of available arbitrators who shall all be members of the Bar actively engaged in the practice of law primarily in McKean County.

After an arbitration panel has been selected and all parties notified thereof, any party or their counsel may request that an Arbitrator disqualify themselves if their impartiality might reasonably be questioned including but not limited to instances where: they have a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding; or they have served as a lawyer in the matter in controversy or they have a substantial financial interest in the matter in controversy.

(b) Cases which are not at issue, and whether or not suit has been filed, may be submitted to a Board of Arbitration by agreement of reference signed by all parties or their counsel. The agreement of reference shall define the issues to be submitted to the Board, and, when agreeable to the parties, shall also contain stipulations with respect to facts agreed or defenses waived. When a case is submitted to the Board by agreement of reference, the agreement shall take the place of pleadings and shall be filed of record in the office of the Prothonotary and shall be assigned a number and term.

(c) Cases shall be placed on the arbitration list by one or more of the parties in the case or their counsel filing a Praeceptum for Arbitration, together with a listing fee in the amount of \$100. Ten days after the case has been praeciped onto the list, if no objection thereto have been filed, the Prothonotary shall promptly appoint a panel of three (3) arbitrators to hear and decide the case, and shall forward copies of all pleadings and other documents filed in the case to all arbitrators. The chairman so appointed shall forthwith establish the time, date and place of trial and notify all counsel of record, unrepresented parties, and members of the arbitration panel thereof at least 30 days in advance unless a shorter time is stipulated to. All trials shall be held within 60 days of the date the chairman is appointed by the Court. In the event the matter is settled prior to hearing but after the chairman has scheduled a hearing, \$50 of the filing fee shall be paid to the chairman as reimbursement for office expenses. In the event the matter has been settled prior to hearing and before the chairman has scheduled a hearing, \$50 of the filing fee shall be refunded to the party who paid it. In either event the remaining \$50 shall be retained by the Prothonotary to reimburse expenses. The filing fee shall be charged to the party first listing the case for hearing, and only be assessed one time per case.

(d) Each member of a Board of Arbitrators who has signed the award shall receive as compensation for his services in each case a fee of Two Hundred Fifty (\$250.00) Dollars. In cases requiring hearings of unusual duration or involving questions of unusual complexity, the Court, on petition of the members of the Board and for cause shown, may allow additional compensation. The members of a Board shall not be entitled to receive their fees until after filing an award with the Prothonotary. When the same is filed, the Prothonotary shall issue an order for payment of such fees which shall be immediately paid

RULE L1302

ARBITRATION

(a) All cases which are at issue, where the amount in controversy (exclusive of interest and costs) shall be \$50,000 or less, except those involving title to real estate,

from County funds as in the case of all other County debts. Fees paid to Arbitrators shall not be taxed as costs nor follow the award as other costs.

(e) Before entering upon their duties the members of the Board of Arbitrators shall subscribe to an oath to perform their duties and decide the case submitted to them justly and equitably, and with due diligence, which oath shall be filed with their award. In all cases, a decision by majority of the members of the Board of Arbitrators shall be conclusive. **If a case is listed for arbitration and is settled before hearing counsel shall notify the Chairman of the Board of Arbitrators of the terms of the settlement and the Board of Arbitrators shall enter an award consistent with the terms of settlement and file the same with the Prothonotary.**

(f) The Board of Arbitrators, or a majority of the members thereof, shall conduct the hearing before them with due regard to the law and according to the established rules of evidence, and shall have the general powers of a court including, but not limited to, the following powers:

(1) To issue subpoenas to witnesses to appear before the Board as in other civil actions, and to issue an attachment upon allowance by the Court for failure to comply therewith.

(2) To compel the production of all books, papers and documents which they shall deem material to the case.

(3) To administer oaths or affirmations to witnesses, to determine the admissibility of evidence, to permit testimony to be offered by deposition, and to decide the law and facts of the case submitted to them.

(4) To adjourn their meetings from time to time. Requests for continuances shall be made to the Court of Common Pleas.

(a) If, after the appointment of a Board of Arbitrators, but before hearings, one of the members thereof shall die or become incapable of acting, or shall refuse to attend the hearing, or shall remove or depart from the county, the remaining members of the Board shall, upon agreement of the parties, proceed to hear the matter at issue.

(b) If a member of the Board dies or becomes incapable of acting, or shall fail or refuse to perform his duties, after hearing but before an award shall be made, the case shall be decided and the award signed by the remaining members of the Board. If they cannot agree, the matters shall be heard de novo by a new Board, to consist of the remaining members plus a third to be appointed by the Prothonotary.

(c) The Board shall have the right to proceed *ex parte* in a proper case if, after due notice, one of the parties fails to appear at the hearing and does not request a continuance for good cause.

(d) The Board of Arbitrators shall file an award with the Prothonotary within 20 days after the hearing. The award shall be signed by all or a majority of the members of the Board. The Prothonotary shall file the award and enter the same in the proper dockets and transmit a copy

thereof by mail to the parties or their counsel. The Prothonotary shall record any award in the judgment index as verdicts are now recorded.

(e) The award, if any, unless appealed from as herein provided, shall be final and shall have all the attributes and legal effect of a judgment entered by a court of competent jurisdiction. If no appeal is taken within the time allotted therefor, execution process may be issued on the award as in the case of other judgments.

(f) An appeal from an award by the Board of Arbitrators may be taken pursuant to procedure established in the Pennsylvania Rules of Civil Procedure.

(g) All appeals shall be de novo. Despite any costs which a successful appellant may recover from the adverse party, he shall nevertheless not be entitled to recover the arbitrators' fees paid by him as a condition of taking his appeal.

(h) Any party may file exceptions with the Court from the decision of the Board of Arbitration within twenty (20) days from the filing of the award for either or both of the following reasons and for no other:

(1) That the arbitrators misbehaved themselves in the conduct of the case;

(2) That the actions of the Board was procured by corruption or other undue means. If such exceptions shall be sustained, the award of the Board shall be vacated by the Court.

(g) Any case not arbitrable under the foregoing provisions of this Rule may be submitted to arbitration according to the procedure herein provided, by stipulations of all Parties thereto or their counsel.

(h) This Rule shall apply to cases involving more than one claim, including counter claims, if none of such claims exceed \$25,000.

(i) This Rule shall govern cases pending in the Court of Common Pleas of McKean County on the effective date hereof, and all such cases to which the rule shall be applicable which are listed for trial shall be stricken from the trial list and referred to arbitration under the provisions hereof.

(j) The Prothonotary shall provide such printed forms as shall be appropriate to effectuate the provisions of this rule.

(k) All rules of this court or portions thereof which are inconsistent herewith are hereby repealed.

CERTIFICATION

I hereby certify that this is a true and correct copy of the proposed changes to McKean County Local Rule 1302.

By the Court:

JOHN H. YODER,
President Judge

[Pa.B. Doc. No. 08-1485. Filed for public inspection August 15, 2008, 9:00 a.m.]

RULES AND REGULATIONS

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

State Board of Social Workers, Marriage and Family Therapists and Professional Counselors

[49 PA. CODE CH. 47]

Biennial Renewal Fees

The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) amends § 47.4 (relating to licensure fees).

Effective Date

The amendment will be effective upon publication of the final-form rulemaking in the *Pennsylvania Bulletin*. The increased fees will be effective for the biennial renewal period beginning March 1, 2009.

Statutory Authority

Section 18(c) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (act) (63 P. S. § 1918(c)) requires the Board to increase fees by regulation to meet or exceed projected expenditures if the revenues raised by fees, fines and civil penalties are not sufficient to meet Board expenditures.

Background and Purpose

The Board's current biennial license renewal fees for licensed social workers were established on December 1, 1990. (See 20 Pa.B. 5937.) The Board's current biennial license renewal fees for the newer licensee classifications of licensed clinical social workers, marriage and family therapists and professional counselors were originally established at 32 Pa.B. 5885 (November 27, 2002) and were set at that time at the same level as those in effect for licensed social workers (\$45). Under section 18(c) of the act, the Board is required by law to support its operations from the revenue it generates from fees, fines and civil penalties. In addition, the act provides that the Board must increase fees if the revenue raised by fees, fines and civil penalties is not sufficient to meet expenditures over a 2-year period. The Board raises virtually all of its revenue through biennial renewal fees.

At its Board meeting on February 13, 2007, the Department of State's Offices of Revenue and Budget presented a summary of the Board's revenue and expenses for Fiscal Years (FY) 2004-2005 and 2005-2006, and projected revenue and expenses through 2016-2017. The Offices of Revenue and Budget project a deficit of \$67,350.37 in FY 2008-2009, a deficit of \$416,350.37 in FY 2010-2011, a deficit of \$338,350.37 in FY 2011-2012, a deficit of \$841,350.37 in FY 2012-2013, a deficit of \$827,350.37 in FY 2013-2014, a deficit of \$1,397,350.37 in FY 2014-2015, a deficit of \$1,453,350.37 in FY 2015-2016, and a deficit of \$2,097,350.37 in FY 2016-2017. The major reason for the projected deficits is that the renewal fees for social workers have not been increased since 1990 and the renewal fees for licensed clinical social workers, marriage and family therapists and professional counselors have not been increased since their inception in 2002. Those fees have carried the Board for almost 17 years for social workers and 5 years for the other newer licensee catego-

ries. As a result of the projected deficits, the Offices of Revenue and Budget recommended that the Board raise fees to meet or exceed projected expenditures, in compliance with section 18(c) of the act. The Budget Office anticipates that the proposed new biennial renewal fees will enable the Board to meet its estimated expenditures for at least 9 years.

Although the \$30 fee increase is significant, it is not surprising. As already stated, the fees for licensed social workers have not been increased since 1990 and the fees for licensed clinical social workers, marriage and family therapists and professional counselors have not been increased since they were originally established in 2002. Also, in spite of the proposed increase, the Board's new renewal fee of \$75 every 2 years will still be lower than a majority of the surrounding states. For example, in New York, social workers and clinical social workers pay \$155 every 3 years. In New Jersey, social workers pay \$120 every 2 years and clinical social workers pay \$160 every 2 years. In Delaware, clinical social workers pay \$102 every 2 years. In Ohio, social workers pay \$60 every 2 years. In West Virginia, social workers and clinical social workers pay \$65 every 2 years. Finally, in Maryland, social workers and clinical social workers pay \$200 every 2 years. None of the surrounding states have separate licensee categories for marriage and family therapists or professional counselors.

Summary of Comments and the Board's Response

Notice of proposed rulemaking was published at 37 Pa.B. 5264 (September 29, 2007). The Board received comments from the National Association of Social Workers, Pennsylvania Chapter (NASW-PA); and the Pennsylvania Society for Clinical Social Work (PSCSW). In addition, as part of their review under the Regulatory Review Act, the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC) submitted comments. The following represents a summary of those comments and the Board's response.

The NASW-PA recognized the need to raise fees to meet anticipated expenses, however they would prefer to see a gradual increase over the next three biennial renewal periods rather than a large one-time increase. Likewise, the PSCSW suggested that the Board consider a more graduated schedule of fee increases over the next few years in order to reduce the burden on licensed social workers. IRRC noted the concerns of these public commentators and recommended that the Board consider implementing incremental fee increases in order to lessen the financial burden on licensees.

The Department of State is still reviewing the possibility of implementing graduated fee increases to determine if that approach is feasible under the enabling acts governing the boards and commissions under the Bureau of Professional and Occupational Affairs. The Board is concerned that phasing in fee increases may not be feasible given the language in section 18(c)(1) of the act, 63 P. S. § 1918(c)(1), which provides that "[i]f the revenues raised by fees, fines and civil penalties imposed pursuant to this act are not sufficient to meet expenditures over a 2-year period, the board shall increase those fees by regulation so that the projected revenues will meet or exceed projected expenditures." At this time, the Offices of Revenue and Budget determined that a \$30 fee was necessary to avoid projected deficits in 2008-2009

and thereafter. Therefore, to avoid the projected deficits and to comply with the requirement to increase the fees so that projected revenue will meet or exceed projected expenditures, the Board has determined to go forward with the proposed increase at this time. Finally, while an increase of \$30 (from \$45 to \$75) is statistically significant, it amounts to \$15 per year for the biennial renewal period. As noted previously, the new fee will still be lower than the fees imposed by a majority of the surrounding states.

The HPLC questioned the 17-year lapse since the last biennial fee increase. As noted previously, the Board established the biennial renewal fee for social workers in 1990. In 2002, three new categories of license were created (licensed clinical social workers, marriage and family therapists and professional counselors), which had the effect of more than doubling the licensee population of the Board. At that time, biennial renewal fees for those classifications were set at the same level as that for social workers at \$45. The additional revenues from the new licensure categories continued to outpace expenditures until now. Because the revenues produced by those fees were adequate, there was no need to increase fees under section 18(c) of the act. However, a recent unanticipated increase in the expenses of the Board over the last few years has depleted the Board's surplus and the Board is now facing increasing deficits for the foreseeable future unless the biennial renewal fee is increased at this time.

The HPLC requested additional fiscal information explaining the major cost centers where significant increases had occurred in the previous 5 years. The major expense categories that have significantly increased are board administration, legal office, hearing examiners, enforcement and investigation and professional health monitoring. Specifically, the Board's administrative expenses increased from \$172,529.99 in FY 2002-2003 to \$245,880.18 in FY 2006-2007. Part of this increase is due to the Board's share of costs for the renovations related to the expansion of the office space utilized by the Health Licensing Division of the Bureau of Professional and Occupational Affairs. These costs were allocated between all health-related boards based on licensee population.

Legal office costs increased from \$75,326.65 in FY 2002-2003 to a high of \$195,493.34 in FY 2005-2006 followed by a decrease to \$152,681.01 in FY 2006-2007. Still these costs have essentially doubled in only 5 years. These include the costs of the Board's legal counsel, and the costs of prosecuting, adjudicating and defending disciplinary matters before the Board. Similarly, the hearing expenses incurred have nearly doubled over these 5 years, from \$6,208.09 in FY 2002-2003 to \$11,336.18 in FY 2006-2007. Enforcement and investigation costs saw the most dramatic increases in expenses—from \$23,957.99 in FY 2002-2003 to \$86,096.00 in FY 2006-2007.

The increases in enforcement and investigation, legal office costs and hearing expenses are the result of a combination of factors. Doubling the licensee population of the Board since 2002 obviously results in an increase in potential disciplinary actions. In addition, the Board's and the Department's presence on the internet has resulted in increased public awareness of the complaint process and has made it easier to file a complaint against a licensee. For example, in FY 2002-2003, a total of 74 disciplinary files were opened. In FY 2006-2007, there were 163 disciplinary files opened (down from 222 in FY 2005-2006). Each complaint file must be investigated to determine if a violation of the act or regulations of the Board occurred. The legal office must then prosecute

those matters where a violation is found. The Board incurs hearing expenses for each matter actually prosecuted, and the Board incurs additional legal costs defending any appeals.

Finally, costs related to professional health monitoring increased from only \$2,095.18 in FY 2002-2003 to \$5,156.02 in FY 2006-2007. This increase is a result of an increase in the number of the Board's licensees who are participating in the Department's Professional Health Monitoring Program (PHMP). The number of participants in this program increased from 6 in FY 2005-2006 to 9 in FY 2006-2007. PHMP costs are allocated based on the number of open cases.

These cost categories represent the bulk of the Board's budget. Overall, the Board's expenditures increased from \$349,932.98 in FY 2002-2003 to \$580,132.58 in FY 2005-2006 and \$591,199.77 in FY 2006-2007. Thus, the Board must set its fees at a level that will produce approximately \$1.2 million per biennial renewal period to meet or exceed its expenses as required by the act. There are approximately 14,500 Board licensees. Therefore, at \$75 per licensee, the anticipated revenue from biennial renewal fees, which makes up the bulk of the Board's revenue, will be approximately \$1,087,500. The remaining revenue comes from other user fees and from civil penalties imposed by the Board.

Fiscal Impact

The final-form rulemaking increases the biennial renewal fee for licensed social workers, clinical social workers, marriage and family therapists and professional counselors from \$45 to \$75 each biennial renewal period. The rulemaking should have no other fiscal impact on the private sector, the general public or political subdivisions.

Paperwork Requirements

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

Sunset Date

The act requires that the Board monitor its revenue and costs on a fiscal year and biennial basis. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 19, 2007, the Board submitted a copy of the proposed rulemaking, published at 37 Pa.B. 5264 (September 29, 2007), to IRRC and to the Chairpersons of the HPLC and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on June 11, 2008, the final-form rulemaking was approved by the HPLC. On July 9, 2008, the final-form rulemaking was deemed approved by SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on July 10, 2008, and approved the final-form rulemaking.

Additional Information

Interested persons may obtain information regarding the final-form rulemaking by writing to Beth Michlovitz, Counsel, State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, P. O. Box 2649, Harrisburg, PA 17105-2649 or bmichlovit@state.pa.us.

Findings

The Board finds that:

- (1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) and 1 Pa. Code §§ 7.1 and 7.2.
- (2) A public comment period was provided as required by law and all comments were considered.
- (3) There are no amendments to the final-form rulemaking that would enlarge the purpose of the proposed rulemaking published at 37 Pa.B. 5264.
- (4) This final-form rulemaking is necessary and appropriate for administration and enforcement of the act.

Order

The Board orders that:

- (a) The regulations of the Board, 49 Pa. Code Chapter 47, are amended by amending § 47.4 to read as set forth at 37 Pa.B. 5264.
- (b) The Board shall submit this order and 37 Pa.B. 5264 to the Office of General Counsel and to the Office of Attorney General as required by law.
- (c) The Board shall certify this order and 37 Pa.B. 5264 and deposit them with the Legislative Reference Bureau as required by law.
- (d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

MICHAEL J. DESTEFANO,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 38 Pa.B. 4045 (July 26, 2008).)

Fiscal Note: Fiscal Note 16A-6915 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 08-1486. Filed for public inspection August 15, 2008, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION [58 PA. CODE CH. 141] Hunting and Trapping

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its June 24, 2008, meeting, adopted the following rulemaking:

Amend Chapter 141, Appendix G (relating to hunting hours table for June 29, 2008 through July 4, 2009) to replace the Sunrise/Sunset Table with an up-to-date Hunting Hours Table and Migratory Game Bird Hunting Hours Table to accurately reflect the dates and hours of legal hunting for the 2008-2009 hunting year.

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 38 Pa.B. 3242 (June 14, 2008).

1. *Purpose and Authority*

Each year there is a shift in calendar days for each month. As a result of this occurrence, the Tables of Hunting Hours found in § 141.4 must be amended and updated on an annual basis to accurately reflect the upcoming year's dates and hours for legal hunting. Towards this end the Commission has amended § 141.4 by replacing the current Sunrise/Sunset Table with an up-to-date Hunting Hours Table and Migratory Game Bird Hunting Hours Table to accurately reflect the dates and hours of legal hunting for the 2008-2009 hunting year.

Section 322(c)(1) of the code (relating to powers and duties of the Commission) specifically empowers the Commission to "fix seasons, daily shooting or taking hours, and any modification thereof, and daily, season and possession limits for any species of game or wildlife." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendment of § 141.4 was adopted under this authority.

2. *Regulatory Requirements*

The final-form rulemaking amended Chapter 141, Appendix G to replace the Sunrise/Sunset Table with an up-to-date Hunting Hours Table and Migratory Game Bird Hunting Hours Table to accurately reflect the dates and hours of legal hunting for the 2008-2009 hunting year.

3. *Persons Affected*

Persons wishing to hunt or trap within this Commonwealth will be affected by the final-form rulemaking.

4. *Comment and Response Summary*

There were no official comments received regarding this final-form rulemaking.

5. *Cost and Paperwork Requirements*

The final-form rulemaking should not result in any additional cost or paperwork.

6. *Effective Date*

The effective dates of the final-form rulemaking are July 1, 2008, to June 30, 2009.

7. *Contact Person*

For further information regarding the final-form rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

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

(2) The adoption of this amendment of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending Chapter 141, Appendix G, to read as set forth at 38 Pa.B. 3242.

(b) The Executive Director of the Commission shall certify this order and 38 Pa.B. 3242 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,
Executive Director

Fiscal Note: Fiscal Note 48-271 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 08-1487. Filed for public inspection August 15, 2008, 9:00 a.m.]

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GAME COMMISSION
[58 PA. CODE CH. 147]
Special Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its June 24, 2008, meeting, adopted the following rule-making:

Amend § 147.675 (relating to validity of permit) to expand the eligibility period for the validity of DMAP permits to include open seasons for antlered deer during the regular firearms season while also providing clarification that DMAP harvest permits are valid only to harvest antlerless deer.

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 38 Pa.B. 3244 (June 14, 2008).

1. *Purpose and Authority*

At the April 2008 Commission meeting, the Commission adopted the creation of a bifurcated regular firearms season in Wildlife Management Units 2D, 2G, 3C and 4B during which the first 5 days will be limited to the harvest of antlered deer only and the last 7 days open to

the harvest of both antlered and antlerless deer. The Commission has recognized that the intentional shortening of the regular firearms season for antlerless deer would also have the unintentional affect of causing a resulting 1 week reduction in the time periods during which DMAP permits would be valid. In its continuing interest to assist landowners in achieving deer densities consistent with their land use goals through the use of licensed hunters, the Commission amended § 147.675 to expand the eligibility period for the validity of the DMAP permits to include open seasons for antlered deer during the regular firearms season. In an effort to curb confusion, the Commission also amended § 147.675 to clarify that DMAP harvest permits are valid only to harvest antlerless deer.

Section 2901(b) of the code (relating to authority to issue permits) provides that "The commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendment of § 147.675 was adopted pursuant to this authority.

2. *Regulatory Requirements*

The final-form rulemaking amends § 147.675 to expand the eligibility period for the validity of DMAP permits to include open seasons for antlered deer during the regular firearms season while also providing clarification that DMAP harvest permits are valid only to harvest antlerless deer.

3. *Persons Affected*

Persons wishing to hunt white-tailed deer within this Commonwealth under a DMAP harvest permit may be affected by the final-form rulemaking.

4. *Comment and Response Summary*

There were no official comments received regarding this final-form rulemaking.

5. *Cost and Paperwork Requirements*

The final-form rulemaking should not result in any additional cost or paperwork.

6. *Effective Date*

The final-form rulemaking will be effective upon final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. *Contact Person*

For further information regarding the final-form rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

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

(2) The adoption of this amendment of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by amending § 147.675 to read as set forth at 38 Pa.B. 3244.

(b) The Executive Director of the Commission shall certify this order and 38 Pa.B. 3244 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,
Executive Director

Fiscal Note: Fiscal Note 48-270 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 08-1488. Filed for public inspection August 15, 2008, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CH. 2800]

Assisted Living Residences; Correction

The Department of Public Welfare is adding additional information to the Public Comment section of the Preamble to the rulemaking which appeared at 38 Pa.B. 4459, 4460 (August 9, 2008). The correct version appears as follows:

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to the Department at the following address: Gail Weidman, Office of Long-Term Care Living, Bureau of Policy and Strategic Planning, P. O. Box 2675, Harrisburg, PA 17105, by September 15, 2008. Reference Regulation No. 14-514 when submitting comments.

ESTELLE B. RICHMAN,
Secretary

[Pa.B. Doc. No. 08-1481. Filed for public inspection August 8, 2008, 9:00 a.m.]

[55 PA. CODE CHS. 108 AND 187]

Family Violence and TANF and GA; and Support From Relatives Not Living With the Client

Statutory Authority

The Department of Public Welfare (Department) under the authority of sections 201(2) and 403(b) the Public Welfare Code (62 P. S. §§ 201(2) and 403(b)); Titles I and III of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) (Pub. L. No. 104-193); and 23 Pa.C.S. §§ 4301—4381, 5103, 7101—7901 and 8101—8418 intends to propose the regulations in Chapter 108 (relating to Family Violence and TANF and GA) and amend the regulations in Chapter 187 (relating to support from relatives not living with the client) as set forth in Annex A.

Purpose of Regulation

The purpose of this proposed rulemaking is to add a new Chapter 108 to 55 Pa. Code. The Department proposes to codify requirements that support victims of domestic violence who apply for or receive benefits under the Temporary Assistance for Needy Families (TANF) or General Assistance (GA) cash assistance programs.

The proposed rulemaking also amends 55 Pa. Code Chapter 187 by amending regulations relating to domestic violence that will be incorporated into the newly proposed Chapter 108.

The Department will apply the policies in this proposed rulemaking to help identify victims of domestic violence, refer them to appropriate services, waive certain TANF or GA program requirements when appropriate and protect the confidentiality of domestic violence victims.

Background

Concerned about the pervasiveness of domestic violence and its impact on families needing assistance, Congress addressed these issues in PRWORA under the "Family Violence Option" (FVO) in 42 U.S.C.A. §§ 602(a)(7) and 608(a)(7)(C)(iii) (relating to eligible states; state plan; and prohibitions; requirements). The Department recognizes that clients may rely on public assistance as a means to escape domestic violence, address safety issues and become financially independent of abusive partners or family members. Domestic violence can interfere with a client's ability to comply with welfare requirements, causing the loss of needed benefits. At times, welfare requirements such as cooperating in establishing paternity and establishing and enforcing child support, engaging in job training, looking for work and getting a job, can place victims and their families at risk of further domestic violence.

States that adopt the FVO may waive one or more public assistance program requirements for a victim of domestic violence if complying with those requirements would make it more difficult for the victim to escape domestic violence, unfairly penalize the individual or place the individual at risk of further domestic violence. Under the FVO, states certify that they will develop a system to screen for victims of domestic violence and refer them to appropriate counseling and supportive services. The Commonwealth elected to adopt the FVO in its 1997 TANF State Plan and confirmed this election in subsequent plans submitted to the Federal Department of Health and Human Services, Administration for Children and Families.

In implementing the FVO, the Department developed policies to provide applicants and recipients with information about domestic violence, the availability of supportive services and the option to waive certain program requirements such as support cooperation, time limits and work. One or more program requirements may be waived if compliance would make it more difficult for the individual to escape domestic violence or unfairly penalize individuals who are victims, have been victims or who are at risk of further domestic violence.

Requirements

The following is a summary of the specific provisions in the proposed rulemaking:

§ 108.1. (relating to purpose).

The Department describes reasons for adoption of the FVO and ways in which it will use policies to assist victims of domestic violence who apply for or receive TANF or GA cash assistance. The Department will use the policies in this chapter to help identify victims of domestic violence; refer victims to counseling, shelter or other appropriate services; and waive certain TANF or GA program requirements when appropriate.

§§ 108.3—108.5 (relating to universal notification; written notification; and individual notification).

The Department describes universal notification policies relating to domestic violence, referral to domestic violence services, confidentiality protections and waivers of TANF or GA program requirements.

The Department describes the requirements for providing written and oral notification to applicants and recipients.

§§ 108.7 and 108.8. (relating to requirements subject to waiver based on domestic violence; and claiming good cause based on domestic violence).

The Department describes standards for waivers of support cooperation, work requirements, time limits, minor parent live-at-home rules, verification and other TANF or GA program requirements, based on domestic violence.

§ 108.9. (relating to time limits).

The Department currently provides up to 12 months of cash assistance benefits that do not count towards the 60-month TANF time limit to victims of domestic violence. In 2002, the Department codified regulations governing these benefits in Chapter 281 (relating to time-out benefits) which sunset effective July 1, 2004. This rulemaking proposes to codify the time-out provisions of obsolete Chapter 281 that relate to victims of domestic violence under Chapter 108.

The Department also provides Extended TANF benefits to victims of domestic violence who are otherwise eligible as provided in § 141.53 (relating to eligibility based on domestic violence). This proposed rulemaking codifies under Chapter 108 that victims of domestic violence may receive Extended TANF and cross references § 141.53.

§ 108.10. (relating to verification).

The Department explains the verification form to be completed by an individual who wishes to establish good cause for a waiver of TANF or GA program requirements based on domestic violence.

§§ 108.11 and 108.12. (relating to time frames for good cause waiver determinations based on domestic violence; and notice of good cause waiver determinations based on domestic violence).

The Department describes policies relating to the time frames within which it will determine an individual's eligibility for domestic violence waivers and policies relating to written notice of its determination.

§§ 108.14–108.16 (relating to safeguarding information; alternate address; and DRS responsibility for the FVI).

The Department describes policies relating to safeguarding information about victims of domestic violence. The Department explains that a victim of domestic violence may use an alternate address for receipt of mail. The Department also explains how confidential information is safeguarded by requiring the DRS to place a Family Violence Indicator (FVI) on Department files.

§ 108.17. (relating to Agreement of Mutual Responsibility (AMR)).

The Department describes the policy for completing an AMR for an individual who has disclosed domestic violence.

§§ 187.22 and 187.27 (relating to definitions; and waiver of cooperation for good cause).

The Department proposes to amend regulations relating to domestic violence from this chapter and add cross references to Chapter 108. The Department also proposes minor technical revisions to this chapter. For example, the acronym "CAO" is replaced with the term "Department."

Affected Individuals and Organizations

This proposed rulemaking affects applicants and recipients who are victims of domestic violence. This proposed

rulemaking also affects community referral agencies such as counseling, shelter and other domestic violence service providers.

Accomplishments and Benefits

This proposed rulemaking will benefit TANF and GA applicants and recipients who are victims, have been victims, or are at risk of further victimization due to domestic violence.

Individuals who disclose domestic violence will be referred for appropriate voluntary counseling and supportive services. Those individuals who request and receive a waiver of TANF or GA program requirements will be temporarily excused from those requirements when compliance could jeopardize their safety, make it more difficult for them to escape domestic violence or place them at risk of further violence. Individuals who receive waivers of the 60-month time limit on receipt of TANF benefits will have more time to avail themselves of programs and supportive services that are designed to move them toward self-sufficiency.

Approximately 3,500 individuals currently receiving cash assistance have good cause waivers for child support or work requirements.

According to a study by Richard Tolman and Jody Raphael in "A Review of the Research on Welfare and Domestic Violence." *Journal of Social Issue* and Sharmila Lawrence's issue brief titled "Domestic Violence and Welfare Policy: Research Findings That Can Inform Policies on Marriage and Child Well-Being" from the Research Forum on Children, Families and the New Federalism. National Center for Children in Poverty, approximately 25% of current welfare recipients have a history of domestic violence. With the current TANF population, these regulations could benefit approximately 30,000 individuals and families.

Fiscal Impact

There are no costs or savings associated with these proposed regulations.

Paperwork Requirements

A new written consent form is needed to allow the Department to release information to a third party about the applicant or recipient that is not subject to disclosure as provided under proposed § 108.14 (relating to safeguarding information). Completion of this form should not have a significant impact on CAO workload as it will be used under limited circumstances.

Effective Date

This proposed rulemaking is effective upon final publication in the *Pennsylvania Bulletin*.

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to the Department at the following address: Edward J. Zogby, Director, Bureau of Policy, Room 431, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-4081, within 30 calendar days after the date of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference Regulation No. 14-513 when submitting comments.

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

Regulatory Review Act

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 5, 2008, the Department submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare. In addition to submitting the proposed rulemaking, the Department has provided IRRC and the Committees with a copy of a Regulatory Analysis Form prepared by the Department. A copy of this form is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has any comments, recommendations or objections to any portion of the proposed rulemaking, it may notify the Department and the Committees within 30 days after the close of the public comment period. The notification shall specify the regulatory review criteria that have not been met. The Regulatory Review Act specifies detailed policies for review by the Department, the General Assembly and the Governor, of any comments, recommendations or objections raised, prior to final publication of the regulations.

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-513. No fiscal impact; (8) recommends adoption.

Annex A**TITLE 55. PUBLIC WELFARE****PART II. PUBLIC ASSISTANCE MANUAL****Subpart A. ASSISTANCE POLICIES AND PROCEDURES****CHAPTER 108. FAMILY VIOLENCE AND TANF AND GA****GENERAL PROVISIONS**

Sec.	Purpose.
108.1.	Purpose.
108.2.	Definitions.
108.3.	Universal notification.
108.4.	Written notification.
108.5.	Individual notification.
108.6.	Policy for applicants or recipients in immediate danger.
108.7.	Requirements subject to waiver.
108.8.	Claiming good cause based on domestic violence.
108.9.	Time limits.
108.10.	Verification.
108.11.	Time frames for good cause waiver determinations based on domestic violence.
108.12.	Notice of good cause waiver determinations based on domestic violence.
108.13.	Review of waivers.
108.14.	Safeguarding information.
108.15.	Alternate address.
108.16.	DRS responsibility for the FVI.
108.17.	Agreement of Mutual Responsibility (AMR).
108.18.	Referral for services.

§ 108.1. Purpose.

This chapter establishes rules and policies that apply to victims of domestic violence who are applicants for or recipients of TANF or GA cash assistance. These policies reflect the Department's commitment to address domestic violence among welfare recipients and are based on the Department's election of the FVO, authorized under Federal law.

§ 108.2. Definitions.

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

DRS—Domestic Relations Section—The section of a court of common pleas responsible for establishing and enforcing support orders.

Domestic violence—One or more of the following:

- (i) Physical acts that resulted in, or threatened to result in, physical injury to the individual.
- (ii) Sexual abuse.
- (iii) Sexual activity involving a dependent child.
- (iv) Being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities.
- (v) Threats or attempts of physical or sexual abuse.
- (vi) Mental abuse.
- (vii) Neglect or deprivation of medical care.

FVI—Family violence indicator—A marker placed on Department and DRS records to indicate one or more individuals in the file are victims of domestic violence.

FVO—Family violence option—An option under Federal law that allows the state to identify individuals with a history of domestic violence, refer them for counseling and supportive services and, upon a showing of good cause, waive one or more program requirements for these individuals.

Federal parent locator database—A National computer location system operated by the Federal Office of Child Support Enforcement, to assist states in locating non-custodial parents, putative fathers and custodial parties for the establishment of paternity and child support obligations, as well as the enforcement and modification of orders for child support, custody and visitation.

PACSES—Pennsylvania Automated Child Support Enforcement System—Pennsylvania's single Statewide automated data processing and information retrieval system for child support enforcement under Title IV-D of the Social Security Act (42 U.S.C.A. §§ 651—669b).

Work requirements—Requirements set forth in Chapter 165 (relating to Road to Economic Self-Sufficiency through Employment and Training (RESET) Program).

§ 108.3. Universal notification.

The Department will provide applicants and recipients with information about:

- (1) Policies and procedures relating to domestic violence.
- (2) Referrals to domestic violence services.
- (3) Good cause waivers of certain TANF and GA program requirements including:
 - (i) Specific information about program requirements and what activities and contact with others, such as a noncustodial parent, is required if a waiver is not requested.

(ii) Safeguards that may help the individual safely comply with program requirements, including placement of an FVI as defined in § 108.2 (relating to definitions) on Department and DRS files and other confidentiality protections.

(iii) Opportunities to participate as a volunteer in work or work-related activities and to receive supportive services, if the individual receives a good cause waiver.

§ 108.4. Written notification.

The Department will provide applicants and recipients with written notification of the information described in § 108.3 (relating to universal notification).

§ 108.5. Individual notification.

(a) The Department will provide applicants with written notification of the right to claim good cause based on domestic violence.

(b) The Department will provide recipients, who have not previously disclosed domestic violence, with written notification of the right to claim good cause based on domestic violence as follows:

(1) Prior to referral to the DRS.

(2) When the Department has reason to believe a family or household member has been subjected to or is at risk of further domestic violence.

(3) Prior to reducing benefits for noncooperation with child support requirements according to § 187.26 (relating to noncooperation).

(4) When compliance with work requirements as defined in § 108.2 (relating to definitions) is discussed according to § 165.51 (relating to compliance review) and prior to imposing a sanction for noncooperation with work requirements according to § 165.61 (relating to sanctions).

(5) Prior to denying, terminating, reducing or suspending benefits due to failure to comply with a TANF or GA program requirement.

(c) The Department will provide recipients, who have previously disclosed domestic violence, with written notification of the right to claim good cause based on domestic violence according to subsection (b)(1)—(5) if providing written notification does not place the recipient at risk of further domestic violence.

(d) The written notification must include an explanation of:

(1) The availability of referrals for assistance for victims of domestic violence.

(2) The availability of a good cause waiver of certain TANF or GA program requirements based on domestic violence.

(3) The confidentiality protections.

(e) The Department will provide oral notification to applicants and recipients of the right to claim good cause based on domestic violence as follows:

(1) Prior to a referral to the DRS.

(2) When the Department has reason to believe a family or household member has been subjected to or is at risk of further domestic violence.

(3) At a compliance review according to § 165.51 in which the recipient participates.

§ 108.6. Policy for applicants or recipients in immediate danger.

If an applicant or recipient is in immediate danger, the Department will:

(1) Provide a private space to allow the applicant or recipient to call a domestic violence hotline, if requested.

(2) Offer the applicant or recipient help in making arrangements for emergency shelter, medical care, transportation, child care and work.

§ 108.7. Requirements subject to waiver.

(a) The policies in §§ 108.8—108.13 apply to good cause waivers of requirements for support cooperation, work, time limits, teen parents, verification and other TANF and GA program requirements, based on domestic violence.

(b) The Department may not waive the following TANF or GA program requirements except as provided in subsection (c):

(1) Minor child under § 145.41 (relating to policy).

(2) Specified relative under § 151.41 (relating to policy).

(3) Income under § 183.5 (relating to income verification).

(4) Resources under § 177.1 (relating to general requirements).

(5) Citizenship under § 149.23 (relating to requirements).

(6) Deprivation under § 153.41 (relating to policy).

(7) Enumeration under § 155.2 (relating to general).

(8) Identity under § 125.1 (relating to policy).

(9) Criminal status under sections 432(9) and 481.1 of the Public Welfare Code (62 P. S. §§ 432(9) and 481.1) regarding eligibility; false statements; investigations; and penalty.

(10) Residency under § 147.23 (relating to requirements).

(11) GA categorical eligibility requirement under § 141.61 (relating to policy).

(12) Signature on required forms, such as the application for benefits and authorization for release of information form under § 125.1.

(13) Permanent sanction under § 165.61 (relating to sanctions).

(14) Application for and cooperation in establishing eligibility for potential income under section 432.21(a) of the Public Welfare Code (62 P. S. § 432.21(a)) regarding the requirement that certain Federal benefits be the primary source of assistance.

(c) The Department will determine whether to approve a request to waive one or more requirements in subsection (3)—(14)(b) on a case-by-case basis.

§ 108.8. Claiming good cause based on domestic violence.

(a) An individual may request a good cause waiver of a TANF or GA program requirement based on past, present or risk of further domestic violence, as defined in § 108.2 (relating to definitions).

(b) The Department will grant a good cause waiver of a TANF or GA program requirement if compliance with the program requirement would result in one of the following:

(1) Making it more difficult for the individual or family member to escape domestic violence.

(2) Placing the individual or family member at risk of further domestic violence.

(3) Unfairly penalizing the individual or family member because of domestic violence.

(c) The Department may grant a good cause waiver regardless of whether the alleged abuser is in the household.

§ 108.9. Time limits.

(a) An applicant or recipient may receive up to 12 months of TANF cash assistance that do not count towards the 60-month TANF time limit according to § 141.41(d) (relating to policy) based on past, present or risk of further domestic violence to the individual or family member. The months need not be sequential.

(b) Individuals may receive Extended TANF, as defined in § 141.52 (relating to definitions), if the individual or family member is or has been a victim of domestic violence or is at risk of further domestic violence according to § 141.53 (relating to eligibility based on domestic violence).

(c) Individuals may be eligible for cash assistance under this section regardless of whether the alleged abuser is in the household.

§ 108.10. Verification.

(a) An individual who requests a good cause waiver of a TANF or GA program requirement based on domestic violence shall complete the verification form provided by the Department.

(b) The Department will provide the individual with the verification form and instruct the individual to provide verification that may include one of the following:

- (1) Law enforcement records.
- (2) Court records.
- (3) Medical or treatment records, or both.
- (4) Social services records.
- (5) Child protective services records.
- (6) Other records that may verify domestic violence.
- (7) Third party verification from a public or private organization or an individual with knowledge of the circumstances including:
 - (i) A domestic violence service provider.
 - (ii) A medical, psychological or social services provider.
 - (iii) A law enforcement professional.
 - (iv) A legal representative.
 - (v) An acquaintance, friend, relative, or neighbor of the claimant, or other individual.

(c) If the individual cannot safely obtain verification described in subsection (b), the individual may affirm on the verification form provided by the Department that the individual cannot safely comply with a TANF or GA program requirement due to domestic violence.

(d) When an individual claims good cause based on domestic violence, the Department may not:

- (1) Contact the alleged abuser.
- (2) Require the individual to obtain a Protection from Abuse Order.

§ 108.11. Time frames for good cause waiver determinations based on domestic violence.

The Department will make a good cause waiver determination within 15 calendar days from the date the claim was initiated by the applicant or recipient.

§ 108.12. Notice of good cause waiver determinations based on domestic violence.

(a) The Department will provide written notice to the individual of its determination regarding the good cause waiver request.

(b) If the Department grants the waiver request, the notice will:

- (1) State the program requirement being waived.
- (2) Explain the duration of the waiver. If the Department is uncertain of the duration, the notice will explain that the waiver will remain in effect as long as necessary, subject to review every 6 months.

(c) If the Department denies the waiver request, the notice will:

- (1) State the program requirement is not waived and the basis for the determination.
- (2) State the legal authority for the denial.
- (3) Explain the right to appeal.
- (4) State what additional verification or information is needed to substantiate good cause and the time frame in which the information shall be provided.

(5) Explain that the individual shall comply with the program requirement for which the waiver was requested.

§ 108.13. Review of waivers.

When the Department determines that a waiver of a TANF or GA program requirement based on domestic violence is appropriate, it will grant the waiver for as long as necessary, subject to review every 6 months as follows:

- (1) An individual who verified domestic violence under § 108.10(b) (relating to verification) need not provide new or additional verification at the 6-month review if circumstances have not changed since the waiver was initially granted or since the last 6-month review.
- (2) An individual who affirmed domestic violence under § 108.10(c) may provide verification as listed under § 108.10(b) to have the waiver continue.
- (3) An individual who affirmed domestic violence but remains unable to provide verification under § 108.10(b) may again affirm domestic violence on the verification form provided by the Department under § 108.10(c). The individual may receive a waiver for an additional 6 months.

(4) An individual who remains unable to provide verification under § 108.10(b) after 12 months, may have the waiver continue by affirming domestic violence under § 108.10(c), subject to approval by the Department. The individual's waiver and benefits will continue pending the approval process. If the waiver is approved, the individual may, if necessary, continue to affirm at each subsequent 6-month redetermination.

§ 108.14. Safeguarding information.

(a) Unless required by law or pursuant to the individual's written authorization, the Department may not disclose or release the following information about an applicant, recipient or family member who has disclosed domestic violence, has a Protection from Abuse Order or is at risk of further domestic violence by the disclosure of information:

- (1) The residential address, the name and address of the individual's employer, education, training, or work program or other work activity, the name and address of the children's school and the identity and location of child care or medical providers.
- (2) Whether the individual or family member is living in a domestic violence shelter and location of the shelter.

(3) The amount of benefits received by the individual or family member.

(b) The individual's written authorization must be provided on a form approved by the Department. The form must include the name of the requestor, the information requested and the purpose of the request.

(c) The Department will place an FVI, as defined in § 108.2 (relating to definitions), on the electronic and paper files of an individual or family member who has disclosed domestic violence, has a Protection from Abuse Order or is at risk of further physical or emotional harm by the disclosure of confidential information.

§ 108.15. Alternate address.

(a) A victim of domestic violence may use an alternate mailing address if one of the following applies:

(1) The individual has applied for or received a good cause waiver based on domestic violence.

(2) The individual is at risk of further domestic violence.

(3) The individual is a participant in the Address Confidentiality Program administered by the Pennsylvania Office of Victim Advocate. See 37 Pa. Code Chapter 802 (relating to Domestic and Sexual Violence Address Confidentiality Program).

(b) The Department will ask an individual who discloses domestic violence, has applied for or received a good cause waiver or is at risk of domestic violence, whether it is safe to send mail to the home address or whether it would be safer to send mail to an alternate address.

§ 108.16. DRS responsibility for the FVI.

(a) The Department will instruct the DRS to place an FVI in PACSES, as defined in § 108.2 (relating to definitions), for an individual who receives cash assistance and discloses domestic violence.

(b) If the FVI is placed on the file:

(1) The DRS will not disclose information according to § 108.14 (relating to safeguarding information).

(2) The DRS and other Department staff will not access a DRS file unless authorized to do so.

(3) DRS will transmit the FVI to the Federal parent locator database as defined in § 108.2.

§ 108.17. Agreement of Mutual Responsibility (AMR).

(a) To ensure confidentiality, the Department will not record information about domestic violence on the AMR, as defined in § 123.22 (relating to definitions).

(b) If the Department has waived a TANF or GA program requirement based on domestic violence, the Department will record on the AMR that a waiver of that requirement has been granted, but not the basis for the waiver.

§ 108.18. Referral for services.

When an applicant or recipient discloses domestic violence or requests a referral to domestic violence services, the Department will provide the individual with names, phone numbers and information about the services of local domestic violence agencies, which may include shelter, safety planning and counseling.

Subpart D. DETERMINATION OF NEED AND AMOUNT OF ASSISTANCE

CHAPTER 187. SUPPORT FROM RELATIVES NOT LIVING WITH THE CLIENT

SUPPORT PROVISIONS FOR CASH ASSISTANCE

§ 187.22. Definitions.

* * * * *

[*Domestic violence*—One or more of the following:

(i) Physical acts that resulted in, or threatened to result in, physical injury to the individual.

(ii) Sexual abuse.

(iii) Sexual activity involving a dependent child.

(iv) Being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities.

(v) Threats of, or attempts at, physical or sexual abuse.

(vi) Mental abuse.

(vii) Neglect or deprivation of medical care.]

* * * * *

§ 187.27. Waiver of cooperation for good cause.

(a) *Good cause circumstances.* Cooperation requirements may be waived for good cause. [**Good**] Requirements for granting a good cause waiver based on a claim of domestic violence, as defined in § 108.2 (relating to definitions), may be provided under §§ 108.7 and 108.8 (relating to requirements subject to waiver; and claiming good cause based on domestic violence). Other good cause circumstances include the following:

* * * * *

[(4) Action to establish paternity or obtain child or spousal support would make it more difficult for the individual or family member to escape domestic violence, as defined in § 187.22 (relating to definitions), or unfairly penalize the individual who has been victimized by the violence, or who is at risk of further violence.]

(b) *Proving the good cause claim.* The applicant or recipient of cash assistance shall provide relevant verification.

(1) A good cause claim may be verified with the following types of evidence:

* * * * *

(v) Court, medical, criminal, child protective services, social services, psychological or law enforcement records [**which verify domestic violence, as defined in § 187.22**].

* * * * *

[(vii) *Domestic Violence Verification Form.* The CAO and applicant or recipient will complete this form for all good cause claims based on domestic violence in accordance with one of the following circumstances:

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[58 PA. CODE CH. 143]

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(A) To accompany acceptable verification as specified in subparagraph (iv), (v) or (vi) that an applicant or recipient has provided.

(B) To grant good cause upon written consent of the applicant or recipient based on verification of the good cause claim provided by a third party on the form.

(C) To grant good cause for up to 6 months when an applicant or recipient affirms she is at risk of domestic violence and unable to safely obtain other evidence to verify the claim of domestic violence within the established time frames for providing verification.]

(2) When the [applicant or recipient of cash assistance] individual initiates a claim of good cause, the [CAO] Department, court or the DRS may provide [assistance] help with obtaining verification. If requested by the [applicant or recipient] individual, the [CAO] Department, court or DRS will provide [assistance] help in securing the needed evidence by advising how to obtain specific documents that may be available and by undertaking to obtain specific documents the [applicant or recipient] individual is not able to obtain. [The CAO may not contact the putative father or noncustodial parent to verify good cause based on a claim of domestic violence.]

* * * * *

(c) *Good cause determination.* The [CAO,] court or the DRS will make a determination within 45 days from the day the claim was initiated by the applicant or recipient of cash assistance. **The Department will make a determination within 15-calendar days from the date the claim was initiated by the applicant or recipient.** The [CAO] Department, court or the DRS may approve additional days for the determination to be completed.

* * * * *

(4) When good cause is determined to exist, the [CAO] Department will review the circumstances upon which the good cause determination is based, at least every 6 months.

* * * * *

[(ii) If the good cause waiver was granted based on the recipient's affirmation under subsection (b)(1)(vii)(C), and she is unable to provide verification as specified in subsection (b)(1)(iv)—(vii)(A) and (B), the CAO will make a determination of good cause based on a current assessment of the recipient's circumstances. This assessment will be completed by an individual with domestic violence training and substantiated by completion of the verification of good cause based on the domestic violence form under subsection (b)(1)(vii).]

[Pa.B. Doc. No. 08-1489. Filed for public inspection August 15, 2008, 9:00 a.m.]

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its June 24, 2008, meeting, proposed the following rule-making:

Amend § 143.243 (relating to general) to expand the list of species that mentored youth are eligible to pursue to include coyotes.

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the June 24, 2008, meeting of the Commission. Comments can be sent to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until October 17, 2008.

1. Purpose and Authority

Since the successful implementation of the Mentored Youth Hunting Program in the fall of 2006, the Commission has been seeking input from sportsmen and sporting organizations on ways to improve this innovative new program. Towards this end, two organizations, the Governor's Youth Council for Hunting, Fishing and Conservation and the PA Fox and Coyote Hunters Association, have organized to recommend that the program could be improved with the addition of coyotes to the list of species that may be lawfully pursued by mentored youth. In its continuing interest to find new opportunities to expose youth to this State's wildlife resources and enduring hunting heritage, the Commission is proposing to amend § 143.243 by expanding the list of species that mentored youth are eligible to pursue to include coyotes.

Section 2722(g)(2) of the code (relating to authorized license-issuing agents) provides that the Commission shall adopt regulations for "The administration, control and performance of activities conducted pursuant to the provisions of this chapter." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendment of § 143.243 was proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 143.243 to expand the list of species that mentored youth are eligible to pursue to include coyotes.

3. Persons Affected

Mentored youth wishing to hunt or trap within this Commonwealth may be affected by the proposed rule-making.

4. *Cost and Paperwork Requirements*

The proposed rulemaking should not result in any additional cost or paperwork.

5. *Effective Date*

The proposed rulemaking will be effective upon final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. *Contact Person*

For further information regarding the proposed rulemaking, contact Richard A. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,
Executive Director

Fiscal Note: 48-273. No fiscal impact; (8) recommends adoption.

ANNEX A

TITLE 58. GAME COMMISSION

CHAPTER 143. HUNTING AND FURTKER
LICENSES

Subchapter M. MENTORED YOUTH HUNTING
PROGRAM LICENSE EXEMPTION

§ 143.243. General.

* * * * *

(b) A mentored youth's hunting [**eligibility**] **ability** is restricted to the following species: squirrel, woodchuck, **coyote, deer** and wild turkey [**(spring gobbler season only) beginning in the 2006-2007 hunting license year**]. A mentored youth's hunting **eligibility** is further limited to:

(i) [**Beginning in the 2007-2008 hunting license year, antlered deer will be included in the mentored youth hunts.**] **Spring gobbler season only for turkey.**

(ii) [**Mentored youth hunters shall comply with the same antler requirements as junior license holders.**] **Antlered deer only during any applicable deer seasons. However, mentored youth hunters shall be eligible for the same antler restrictions that apply to junior license holders as provided in § 131.2 (relating to definitions).**

* * * * *

[Pa.B. Doc. No. 08-1490. Filed for public inspection August 15, 2008, 9:00 a.m.]

[58 PA. CODE CH. 147]
Special Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its June 24, 2008, meeting, proposed the following rulemaking:

Amend §§ 147.721—147.726 and 147.728 and 147.729 (relating to commercial wildlife pest control) by changing the name of the permit, and to update and expand nuisance wildlife control operator standards.

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the June 24, 2008, meeting of the Commission. Comments can be sent to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until October 17, 2008.

1. *Purpose and Authority*

Chapter 147, Subchapter T provides the regulatory structure for the Commission to authorize persons to engage in nuisance wildlife control activities. The Commission has identified that these regulations have over time become inadequate to address the needs of the Commission and the public concerning the persistent problem of nuisance wildlife and therefore needed to be amended. Some notable recommendations generated by the Commission include the renaming of permit holders as "nuisance wildlife control operators" rather than the current "wildlife pest control agents," the expansion of applicant eligibility standards to permit application from nonresidents, new requirements for the control of rabies vector species and, finally, new testing standards for applicants working in deer control. Therefore, the Commission is proposing to amend §§ 147.721—147.726 and 147.728 and 147.729 to update and expand nuisance wildlife control operator standards.

Section 2901(b) of the code (relating to authority to issue permits) provides "the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to §§ 147.721—147.726 and 147.728—147.729 were proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend §§ 147.721—147.726 and 147.728—147.729 to update and expand nuisance wildlife control operator standards.

3. *Persons Affected*

Persons wishing to engage in nuisance wildlife control activities within this Commonwealth will be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

The proposed rulemaking should not result in any additional cost or paperwork.

5. *Effective Date*

The proposed rulemaking will be effective upon final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. *Contact Person*

For further information regarding the proposed rule-making, contact Richard A. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,
Executive Director

Fiscal Note: 48-275. No fiscal impact; (8) recommends adoption.

Annex A

**TITLE 58. GAME COMMISSION
CHAPTER 147. SPECIAL PERMITS**

Subchapter T. [COMMERCIAL WILDLIFE PEST CONTROL] NUISANCE WILDLIFE CONTROL OPERATOR

§ 147.721. General.

A [**commercial**] **nuisance** wildlife [**pest**] **control operator** permit is required for any **resident or non-resident** person to take, harass, transport, release or dispatch designated wildlife for another person or to solicit or offer [**their**] **his** services to another to take, harass, transport or dispatch designated wildlife that is creating a nuisance, causing damage to property or is a risk to human health or safety. This permit authorizes the agent to control designated wildlife for another at any time of the year.

§ 147.722. Definitions.

In addition to the definitions contained in the act and § 131.2 (relating to definitions), the following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Agent—A holder of a valid [**Commercial**] **Nuisance Wildlife [Pest] Control Operator** Permit or a legitimate employee.

* * * * *

§ 147.723. Application.

(a) An application for examination shall be submitted on a form supplied by the Commission. A nonrefundable fee of \$25 for each test shall be submitted with the application for new agents only. An additional \$50 shall be submitted for [**the**] **each** permit if the examination is passed.

* * * * *

(c) Conviction of a violation of the act within 5 years of the date of application [**may**] **shall** preclude the issuance of a permit.

(d) **An agent whose permit lapses for 2 or more years shall apply as a new applicant.**

§ 147.724. [**Commercial**] **Nuisance** wildlife [**pest**] control **operator** examination.

* * * * *

§ 147.724a. Nuisance deer control examination.

(a) **New agents shall be required to obtain a minimum score of 80% on a supervised written examination approved by the Director.**

(b) **The examination must include the following subject matter:**

(1) **Biology, life history and habits of white-tailed deer.**

(2) **Control methods, care and handling and euthanasia.**

(3) **Laws and regulations.**

(4) **Diseases and parasites.**

(5) **Public relations.**

§ 147.725. Records and reports.

* * * * *

(d) **Nonresidents shall submit their report forms directly to the Bureau of Wildlife Protection.**

§ 147.726. Operation.

(a) **Approved methods and devices are as follows:**

(1) **Foot hold traps, body gripping traps, box traps, clover traps, cage traps, nets and snares.**

* * * * *

(4) **Dogs used to harass nuisance geese. The authorization to harass geese with dogs is prohibited at any time when goslings are present at the site and during the period from June 16 to July 20, when the majority of adult birds are flightless.**

* * * * *

(g) **Nuisance wildlife captured alive shall within 24 hours be dispatched in a humane manner or released in an area open to hunting or trapping. Nontarget animals may be released at the site of capture [.] , with the following exceptions:**

(1) **Except as provided in paragraph (2), rabies vector species (RVS), as defined in § 147.301 (relating to definitions) shall be euthanized in a humane manner rather than released.**

(2) **An agent may not, without special written permission from the director, destroy or euthanize five or more bats at any one location.**

(h) **Carcasses shall be disposed of by incineration or in an approved landfill in a manner consistent with the solid waste laws of the Commonwealth. The taking of any white-tailed deer shall be reported within 24 hours and turned over to the district wildlife conservation officer, unless alternative arrangements are accepted by the district wildlife conservation officer.**

§ 147.728. Unlawful acts.

It is unlawful to:

* * * * *

(6) [**Violate any other provisions of this subchapter**] **Conduct roundups or gather large numbers of resident Canada geese for removal from an area without prior approval from the Bureau of Wildlife Protection. Prior to authorization of a roundup, an applicant shall have conducted at least 2 consecutive years of nonlethal harassment techniques.**

(7) **Violate other provisions of this subchapter.**

§ 147.729. Exemptions.

(a) **A nuisance wildlife control operator permit will not be required for municipal, State or Federal employees conducting animal control activities if the following conditions are met:**

(1) The municipal, State or Federal employee has agreed, in writing, to conduct animal control in accordance with this subchapter. However, permit testing and permit possession requirements do not apply.

(2) Written request for exemption shall be made to the district wildlife conservation officer on letterhead from the municipal, State or Federal entity. The request must state that the employee is a legitimate employee of the entity, is employed as an animal control officer and that the entity has accepted responsibility for the employee's training and supervision as it relates to this subchapter.

(3) This exemption is valid only if an animal control officer is acting within his scope of duty.

[Pa.B. Doc. No. 08-1491. Filed for public inspection August 15, 2008, 9:00 a.m.]

[58 PA. CODE CH. 147]
Special Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its June 24, 2008, meeting, proposed the following rule-making:

Amend §§ 147.301—147.307 and 147.309 (relating to wildlife rehabilitation) to update and expand wildlife rehabilitation standards.

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the June 24, 2008, meeting of the Commission. Comments can be sent to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until October 17, 2008.

1. Purpose and Authority

The Commission has been working in consultation with the Wildlife Rehabilitation Council (Council) to update and amend the wildlife rehabilitation regulations in an effort to redress concerns the Commission and Council share respecting the inadequacy of current permitting standards. Some notable recommendations generated include the creation of new rehabilitation facility caging and sanitation requirements for all wildlife, new requirements for the rehabilitation of rabies vector species and, finally, new application, qualification and testing standards for permit applicants. Therefore, the Commission is proposing to amend §§ 147.301—147.307 and 147.309 to update and expand wildlife rehabilitation standards.

Section 2901(b) of the code (relating to authority to issue permits) provides "the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or

wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to §§ 147.301—147.307 and 147.309 were proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend §§ 147.301—147.307 and 147.309 to update and expand wildlife rehabilitation standards.

3. Persons Affected

Persons wishing to rehabilitate game or wildlife within this Commonwealth will be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

The proposed rulemaking should not result in any additional cost or paperwork.

5. Effective Date

The proposed rulemaking will be effective upon final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. Contact Person

For further information regarding the proposed rule-making, contact Richard A. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,
Executive Director

Fiscal Note: 48-274. No fiscal impact; (8) recommends adoption.

ANNEX A

TITLE 58. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter P. WILDLIFE REHABILITATION

§ 147.301. Definitions.

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

* * * * *

RVS—Rabies vector species—All raccoons, skunks, foxes, bats, coyotes, groundhogs and other species designated by the Director.

* * * * *

§ 147.302. General.

* * * * *

(f) Nonreleasable wildlife, which visibly appears to be in good condition, may be held by authority of an educational use of rehabilitation wildlife permit or transferred to a zoological park or garden which is open to the public or to the holder of a wildlife menagerie permit. Raptors may additionally be transferred to holders of falconry or raptor propagation permits. A wildlife transfer permit, available from the Bureau of [**Law Enforcement**] **Wildlife Protection**, shall be obtained for each specimen prior to any transaction.

(g) Nonreleasable wildlife may be held, with the approval of the Bureau of [**Law Enforcement**] **Wildlife Protection**, for cross-fostering purposes.

* * * * *

(i) Wildlife may be transferred to or from properly permitted facilities outside of this Commonwealth only upon issuance of a wildlife importation or exportation permit by the Bureau of [**Law Enforcement**] **Wildlife Protection**.

* * * * *

(l) A wildlife rehabilitation facility and its records shall be available for inspection by an officer of the Commission at any reasonable hour. These officers may remove wildlife from the custody of the permittee if it is deemed necessary for the welfare of the wildlife. During an inspection, members of the Council may accompany these officers to act in an advisory capacity.

(1) **Caging.** Cages used for the rehabilitation of wildlife must be of adequate size, design and strength to provide for the good health, comfort and secure containment of the animal.

(2) **Sanitation.** Wildlife held under this subchapter shall be kept in a sanitary manner consistent with the standards in § 147.283 (relating to sanitation).

(3) **RVS.** RVS shall be housed in a manner to prevent escape of the animal and exposure to people, pets, livestock and other captive or free-ranging wildlife. Exterior caging must be locked and improved by double fencing or solid wall barrier of adequate design and strength to ensure proper containment and exclusion of animals. RVS may not be removed from their containment except for their treatment, destruction, release or maintenance of the facility.

* * * * *

(p) A permitted wildlife rehabilitation facility shall be active and open to receive wildlife from the public and the Commission, unless the facility has either exceeded its capacity or otherwise provided the Commission with reasonable justification for inactivity or closure. An inactive or closure period deemed unreasonable may result in suspension, denial or recall of permit privileges.

(q) As of January 1, 2009, a new wildlife rehabilitator may not possess a menagerie, propagation, exotic wildlife possession or exotic wildlife dealer permit.

§ 147.303. Permit applications.

* * * * *

(b) Each application [**shall**] **must** include the following:

* * * * *

(8) [**The**] A letter from a sponsoring wildlife rehabilitator. The letter must include the name, address and permit number of the sponsoring wildlife rehabilitator. (Capture and transportation and novice wildlife rehabilitation permits only).

(9) [**The**] A letter from a sponsoring veterinarian. The letter must include the name and address of

the veterinarian who will be assisting and advising the applicant (required for wildlife rehabilitation permit only).

(c) A wildlife rehabilitator whose permit lapses for 2 or more years shall apply as a new applicant.

(d) A wildlife rehabilitator whose permit was recalled shall be ineligible for reapplication for a minimum period of 2 years and shall be required to retest.

§ 147.304. Wildlife rehabilitation permits.

(a) *Wildlife rehabilitation permits.* Wildlife rehabilitation permits will be limited as follows:

* * * * *

(3) Exceptions will be recommended by the Council and approved by the Bureau of [**Law Enforcement**] **Wildlife Protection**.

(b) *Novice class wildlife rehabilitation permits.*

(1) *Qualifications.*

(i) [**The applicant**] New applicants shall successfully pass a [**written examination administered by the Bureau of Law Enforcement**] supervised examination with a minimum score of 80%.

(ii) The applicant shall appear for and successfully pass an oral examination/interview which shall be conducted by members of the Council and the Bureau of Wildlife Protection. The applicant shall submit photographs or videotape with commentary of their facility for review.

(2) *Permit conditions.*

* * * * *

(iii) Educational use of rehabilitation wildlife permits will not be issued to novice wildlife rehabilitators unless specifically recommended by the Council and approved by the Bureau of [**Law Enforcement**] **Wildlife Protection**.

* * * * *

(v) A novice wildlife rehabilitator may appoint no more than five responsible individuals to assist in providing food and housing for wildlife being rehabilitated. It is the permittee's responsibility to notify the Bureau of [**Law Enforcement**] **Wildlife Protection** in writing of the names, addresses and telephone numbers of the appointees and necessary changes as they occur.

(vi) A novice wildlife rehabilitator shall only renew his permit for 1 permit year at a time.

(vii) A novice wildlife rehabilitator may only remain as a novice for a period not to exceed 2 years. After the second year is reached, the permit will be voided and game or wildlife held under that permit shall be removed and relocated to another permitted facility, unless the novice has applied for an upgrade or as otherwise directed by the Director.

(viii) A novice wildlife rehabilitator shall have outside conditioning or prerelease cages established before an upgrade to a general class will be approved.

(ix) A novice wildlife rehabilitator request for upgrade to the class of general shall be reviewed and considered during the month of April only.

(c) *General class wildlife rehabilitation permits.*

(1) *Qualifications.*

(i) The applicant shall have actively rehabilitated wildlife for a minimum of 2 years as a novice wildlife rehabilitator or equivalent experience approved by the Council and the Bureau of [**Law Enforcement**] **Wildlife Protection**.

(ii) [**Submit photographs or videotape with commentary of the permittee's facility to the Bureau of Law Enforcement for review by the Council.**

(iii) [The applicant shall appear for and successfully pass an oral examination/interview [**which shall be**] conducted by members of the Council and the Bureau of **Wildlife Protection**. The applicant shall also submit **photographs or videotape with commentary of his facility for review.**

(2) *Permit conditions.*

* * * * *

(ii) A permittee may accept endangered [**or**], threatened [**wildlife**] or **RVS** for rehabilitation following proper additional certification under § 147.306 (relating to endangered [**or**], threatened [**species**] **RVS** certification).

* * * * *

(iv) A general class wildlife rehabilitator may appoint no more than ten responsible individuals to assist in providing food and housing for wildlife being rehabilitated, with the exception of endangered or threatened species. It shall be the permittee's responsibility to notify the Bureau of [**Law Enforcement**] **Wildlife Protection** in writing of the names, addresses and telephone numbers of the appointees and necessary changes as they occur.

(v) Additional capture and transportation permittees and assistants may be listed, only with the advance approval of the Council and the Bureau of [**Law Enforcement**] **Wildlife Protection**. A request [**shall**] **must** be in writing with justification for an increase.

§ 147.305. Wildlife capture and transportation permits.

* * * * *

(b) Qualifications are as follows:

* * * * *

(2) The applicant shall successfully pass a **Council-approved wildlife capture and transport** written examination [**administered by the Bureau of Law Enforcement**] **with a minimum score of 80%.**

(3) The applicant [**shall successfully pass an oral examination/interview which will be conducted by members of the Council**], upon completion of testing, shall obtain a certificate from the Council approved written examination. This certificate, along with a permit application shall be mailed to the district wildlife conservation officer to receive a permit.

* * * * *

§ 147.306. Endangered, [**or**] threatened [**species**] or **RVS** certification.

(a) A written request for the endangered [**or**], threatened [**species**] or **RVS** certification examination shall be made to the Bureau of [**Law Enforcement**] **Wildlife Protection**.

* * * * *

(c) Attend a certification workshop or seminar as established by council and the Bureau of [**Law Enforcement**] **Wildlife Protection**.

(d) **RVS-certified permittees shall operate their facilities in accordance with the guidelines in the RVS protocol established by the Council, the Commission and the Department of Health.**

§ 147.307. Areas of service.

(a) The area serviced by wildlife rehabilitators will be restricted to the county or portion of a county in which facilities are established unless otherwise approved by the Bureau of [**Law Enforcement**] **Wildlife Protection**.

(b) Capture and transportation permittees will be restricted to the area serviced by their sponsoring permittee unless otherwise approved by the Bureau of [**Law Enforcement**] **Wildlife Protection**.

§ 147.309. Educational use of rehabilitation wildlife permits.

* * * * *

(b) Permit applications [**shall**] **must** be made in writing to the Bureau of [**Law Enforcement**] **Wildlife Protection** and [**shall**] include the following:

* * * * *

(c) Permit applications will be approved by the Council and the Bureau of [**Law Enforcement**] **Wildlife Protection**.

(d) Permit conditions are as follows:

* * * * *

(2) Not more than [**four**] **ten** specimens of wildlife which are determined to be nonreleasable may be used by the permittee for educational exhibits or programs held away from the established rehabilitation facility, **unless further restricted by State or Federal permits.**

* * * * *

(4) **RVS may not be used for educational programs or exhibits.**

(e) Records shall be maintained by the permittee and [**shall**] include the date, location and listing of wildlife used for each exhibit or program conducted. These records shall be retained for 2 years and be available for inspection by the wildlife conservation officer or other officers of the Commission at any reasonable hour. A copy of these records shall be made available to the Bureau of [**Law Enforcement**] **Wildlife Protection** upon request.

(f) [**Failure to comply with one or more conditions of the permit will be reason for recall of the permit**] **Educational use of rehabilitation wildlife permit holders may apply for salvage permits.**

(g) Failure to comply with one or more conditions of the permit will be reason for suspension, denial or recall of the permit.

[Pa.B. Doc. No. 08-1492. Filed for public inspection August 15, 2008, 9:00 a.m.]

[58 PA. CODE CH. 147]
Special Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its June 24, 2008, meeting, proposed the following rule-making:

Amend §§ 147.322, 147.324 and 147.325 (relating to application for deer control permit; privileges authorized under the permit; and special conditions of permit) to expand the list of authorized applicants to also include homeowners associations and nonprofit land-holding organizations.

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the June 24, 2008, meeting of the Commission. Comments can be sent to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until October 17, 2008.

1. Purpose and Authority

In developed landscapes, lower deer populations result in fewer deer/human conflicts. Therefore, alternative herd reduction tools are necessary for communities to address growing deer populations. Although the Commission is directed by law to use hunting in managing white-tailed deer, hunting is not always feasible in an urbanized setting. Currently, only political subdivisions may apply for a Deer Control Permit. Recognizing that urban deer issues do not always affect an entire township or borough, the Commission is proposing to amend §§ 147.322, 147.324 and 147.325 to expand the list of authorized applicants to also include homeowners associations and nonprofit land-holding organizations. This does not change the requirements or review process of an application. It merely makes this tool available to more groups experiencing unacceptable levels of deer/human conflicts in a developed area.

Section 2901(b) of the code (relating to authority to issue permits) provides "the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game

or wildlife in this Commonwealth." The amendments to §§ 147.322, 147.324 and 147.325 were proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend §§ 147.322, 147.324 and 147.325 to expand the list of authorized applicants to also include homeowners associations and nonprofit land-holding organizations.

3. Persons Affected

Homeowners associations and nonprofit land-holding organizations wishing to engage in deer control activities within this Commonwealth may be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

The proposed rulemaking should not result in any additional cost or paperwork.

5. Effective Date

The proposed rulemaking will be effective upon final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. Contact Person

For further information regarding the proposed rule-making, contact Richard A. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,
Executive Director

Fiscal Note: 48-272. No fiscal impact; (8) recommends adoption.

Annex A

CHAPTER 147. SPECIAL PERMITS

Subchapter R. DEER CONTROL

POLITICAL SUBDIVISIONS, HOMEOWNERS ASSOCIATIONS AND NONPROFIT LAND-HOLDING ORGANIZATIONS

§ 147.322. Application for deer control permit.

(a) An application for a deer control permit shall be completed in conjunction with the Commission and submitted by an authorized officer or employee of the political subdivision, **homeowners association or nonprofit land-holding organization** in the form required by the Director and contain the information requested by the Director.

(b) An application for a deer control permit [**shall**] **must** contain the following information:

(1) A complete map showing the boundaries of the area being considered and indicating the land use within the area, cover types, huntable areas, damage areas, deer concentration areas, **all** safety zones and proposed control areas within the [**municipal boundary**] **proposed boundaries**.

(2) A deer management plan shall be submitted with each application which provides deer [**density estimates**] **management goals** and requesting the number of animals to be removed.

* * * * *

(c) **Public land within the proposed boundaries shall be open to lawful public hunting unless otherwise prohibited under this title or as otherwise authorized by the Director. Private land within the**

proposed boundaries may be closed to public hunting at the landowner's discretion. However, if closed, deer control activities may not occur thereon.

§ 147.324. Privileges authorized under the permit.

Deer [may] shall be taken:

(1) [Outside the established hunting seasons as set by the Commission in § 139.4 (relating to seasons and bag limits for the license year)] Regardless of age or sex.

(2) [Regardless of age or sex] From February 1 to September 30, unless otherwise authorized by the Director and listed on the permit.

(3) [From February 1 to September 30, unless otherwise authorized by the Director and listed on the permit] At any hour, day or night, and with or without an artificial light.

(4) [At any hour, day or night, and with or without an artificial light] With any lawful firearm for big game as described in section 2322(a) of the act (relating to prohibited devices and methods) or other device authorized by the Director and listed on the permit.

(5) [With any lawful firearm for big game as described in section 2322(a) of the act (relating to prohibited devices and methods)] Only in areas

designated by the political subdivision, homeowners association or nonprofit land-holding organization.

[(6) Only in areas designated by the political subdivision.]

§ 147.325. Special conditions of permit.

* * * * *

(b) Permits shall list the applicant's name, who shall be an authorized officer or [employe] employee of the political subdivision, homeowners association or nonprofit land-holding organization responsible for the activities conducted under this permit and list [not more than five subpermittees who shall be licensed hunters or law enforcement officers, or both] all subpermittees.

* * * * *

(d) Unless otherwise exempted under this title, a permittee or subpermittee who engages in the taking of deer shall first apply for and receive a nuisance wildlife control operator permit as provided in Chapter 147, Subchapter T (relating to nuisance wildlife control operator).

[Pa.B. Doc. No. 08-1493. Filed for public inspection August 15, 2008, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Pennsylvania State Police

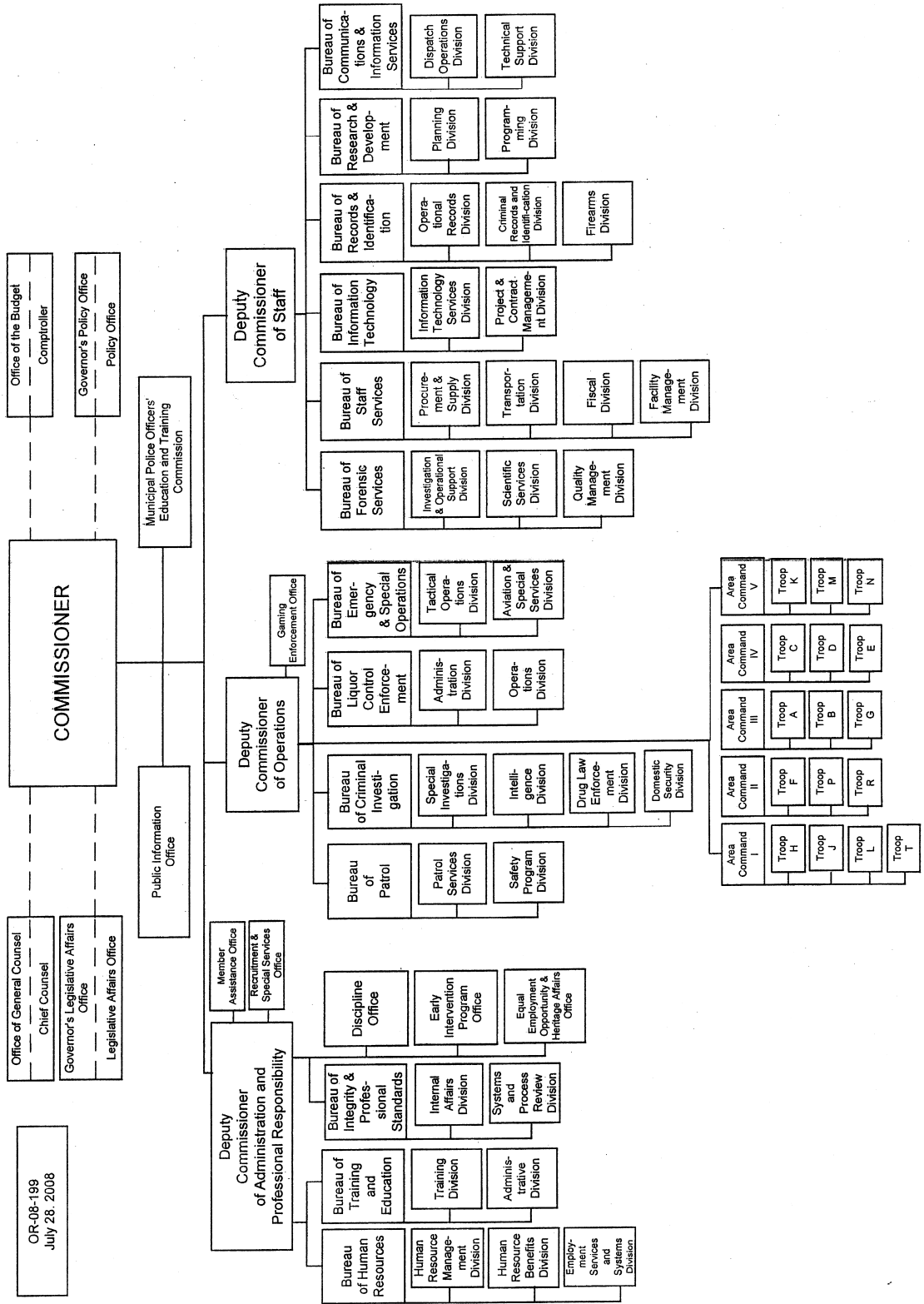
The Executive Board approved a reorganization of the Pennsylvania State Police effective July 28, 2008.

The organization chart at 38 Pa.B. 4529 (August 16, 2008) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of code).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 08-1494. Filed for public inspection August 15, 2008, 9:00 a.m.]

PENNSYLVANIA STATE POLICE



NOTICES

DEPARTMENT OF BANKING

Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending August 5, 2008.

BANKING INSTITUTIONS

Interim Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-17-2008	Wilmington Trust Interim Savings Bank Villanova Delaware County	Villanova	Filed
	The purpose of Wilmington Trust Interim Savings Bank is to merge with Wilmington Trust of Pennsylvania, Villanova.		

Section 112 Applications

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
4-30-2008	Susquehanna Bancshares, Inc., Lititz, acquired 100% of Stratton Holding Company, Plymouth Meeting, and thereby indirectly acquired Stratton Management Company, Plymouth Meeting, and Semper Trust Company, Plymouth Meeting	Lititz	Effective
	In conjunction with the transaction, Semper Trust Company, Plymouth Meeting, became a wholly-owned subsidiary of Stratton Management, LLC, Plymouth Meeting, a newly-formed LLC that is a wholly-owned subsidiary of Susquehanna Bancshares, Inc., Lititz.		

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-17-2008	Wilmington Trust Interim Savings Bank, Villanova, and Wilmington Trust of Pennsylvania, Villanova Surviving Institution: Wilmington Trust Interim Savings Bank, Villanova	Villanova	Filed
	Application filed in conjunction with the proposed merger of Wilmington Trust Interim Savings Bank, Villanova, PA, and Wilmington Trust FSB, Baltimore, MD. Both institutions are wholly-owned subsidiaries of Wilmington Trust Corporation, Wilmington, DE.		

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-29-2008	S & T Bank Indiana Indiana County	12550 Perry Highway Wexford Allegheny County	Opened
7-30-2008	First CornerStone Bank King of Prussia Montgomery County	51 Woodland Drive Chadds Ford Township Glen Mills Delaware County	Filed

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-30-2008	Community Bank and Trust Company Clarks Summit Lackawanna County	<i>To:</i> 74 East Tioga Street Tunkhannock Wyoming County <i>From:</i> Route 6 West Tunkhannock Wyoming County	Approved
7-30-2008	Northwest Savings Bank Warren Warren County	<i>To:</i> 437 Cochran Road Mt. Lebanon Township Pittsburgh Allegheny County <i>From:</i> 300 Cochran Road Mt. Lebanon Township Pittsburgh Allegheny County	Approved

Branch Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-30-2008	Community Bank and Trust Company Clarks Summit Lackawanna County	<i>Into:</i> 74 East Tioga Street Tunkhannock Wyoming County <i>From:</i> Route 29 Tunkhannock Wyoming County	Approved

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-28-2008	S & T Bank Indiana Indiana County	20001 Route 19 Cranberry Township Butler County	Closed
7-30-2008	Earthstar Bank Southampton Bucks County	48 West Skippack Pike Ambler Montgomery County	Approved
7-31-2008	Conestoga Bank Chester Springs Chester County	1501 South Newkirk Street Philadelphia Philadelphia County	Approved

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS**Branch Applications**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
7-31-2008	Belco Community Credit Union Harrisburg Dauphin County	Paxton Street and Eisenhower Boulevard Harrisburg Dauphin County	Approved
7-31-2008	Belco Community Credit Union Harrisburg Dauphin County	5304 Carlisle Pike Mechanicsburg Cumberland County	Approved

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

STEVEN KAPLAN,
Secretary

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of September 2008

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of September, 2008, is 6 3/4%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 4.32 to which was added 2.50 percentage points for a total of 6.82 that by law is rounded off to the nearest quarter at 6 3/4%.

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 08-1496. Filed for public inspection August 15, 2008, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, August 27, 2008, 9 a.m. in the Oak Room of the Holiday Inn, Monroeville, PA.

Questions concerning this meeting or agenda items can be directed to Kurt Leitholf at (717) 705-0031.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Joan Dupes directly at (717) 705-0031 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

CLIFFORD C. DAVID, Jr.,
Chairperson

[Pa.B. Doc. No. 08-1497. Filed for public inspection August 15, 2008, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Application of Alvernia College for Approval of Change to University Status, Name Change and Amendment and Restatement of its Articles of Incorporation

Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application of Alvernia College for a Certificate of Authority approving the institution's change to university status with a corresponding change of name to Alvernia University. Additionally and in tandem, the Department will consider the request to amend and restate the institution's Articles of Incorporation.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon these items without hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protests) or 1 Pa. Code §§ 35.27 — 35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with Carol M. D. Gisselquist, Higher Education Specialist (717) 787-4448, 333 Market Street, Harrisburg, PA 17126-0333 on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate should contact Carol Gisselquist at (717) 787-4448 to discuss how the Department may best accommodate their needs.

GERALD L. ZAHORCHAK, D.Ed.,
Secretary

[Pa.B. Doc. No. 08-1498. Filed for public inspection August 15, 2008, 9:00 a.m.]

Individuals with Disabilities Education Act, Part B

The Department of Education Policies and Procedures under the Individuals with Disabilities Education Act, Part B, regulatory provisions at 34 CFR 300.101—300.176, were approved by the U.S. Department of Education, July 1, 2008. The document is available for public inspection by accessing www.pde.state.pa.us/special_edu/cwp/view.asp?a=177&q=144434. Copies may be requested by contacting Nancy Zeigler at (717) 783-6134.

GERALD L. ZAHORCHAK, D. Ed.,
Secretary

[Pa.B. Doc. No. 08-1499. Filed for public inspection August 15, 2008, 9:00 a.m.]

2008 Reassignment of Duquesne High School Students

Under 24 Pa.C.S. § 1607.1(a)(1) (relating to distressed school districts and student attendance in other districts) (added by Section 14 of Act 45 of 2007), Secretary Gerald Zahorchak designated two school districts to accept high school students from the Duquesne City School District on a tuition basis, effective at the beginning of the 2007-2008 school year. The two designated school districts were the East Allegheny School District and the West Mifflin School District. In accordance with the publication requirements in section 1607.1(c), the Department of Education provides the following update:

The Duquesne City School District has assigned additional students—those who completed eighth grade in 2008—to the East Allegheny and West Mifflin School Districts. The selection process established under section 1607.1(a)(2) is set forth in the document entitled *Our Kids: New Choice, New School, New Future*.

The per pupil tuition rates that the designated districts shall receive, for the 2008-2009 school year, are \$8,811.22 for East Allegheny and \$9,060.25 for West Mifflin.

High School Selection Dates to Remember

January 25—Deadline to return Permission to Attend High School Tours form
 January 29, at 9:00 a.m.—West Mifflin Area High School Information Meeting
 January 31, at 9:00 a.m.—East Allegheny High School Information Meeting
 January 31, from 6:30 p.m. to 8:00 p.m.—Parent Information Meeting, Duquesne Education Center
 February 5—Deadline to return School Selection Cards to Duquesne Education Center Office
 February 8—Lottery will be held, if necessary
 Week of February 11—Parents notified to their child's placement

Student Selection Process per Legislative Mandate

1. Which high schools are available?

Duquesne students (grade 8) will attend West Mifflin Area High School and East Allegheny High School beginning in the fall of 2008.

2. How many students will be assigned to each high school?

Students will be assigned so that 65% of the students will attend West Mifflin Area High School and 35% of the students will attend East Allegheny High School.

3. Who is eligible to attend either of these high schools?

All Duquesne residents who want to continue in public school for the 2008-09 school year are eligible to participate in the selection process—this includes 8th grade students who will be entering 9th grade in the fall of 2008.

Private, religious or charter school students need to first register as Duquesne students in the elementary school office to be eligible and to take part in the selection process.

4. How will the selection process work?

After reviewing the information provided about each school, students must select either West Mifflin Area High School or East Allegheny High School as their school choice.

Each student must complete a selection card and return it to the Duquesne Education Center office by February 5, at 4:00 p.m.

Younger siblings who wish to attend the same high school as their older siblings will be placed first.

If the number of students selecting a school exceeds the determined enrollment number, then all interested students selecting that school will be placed in a lottery.

5. Selecting a high school will not be determined on a first come first serve basis.

Every student who completes and returns the school selection card during the selection process has an equal chance of getting his or her first choice school.

6. How will the lottery work?

If necessary, the lottery drawing will take place on Friday, February 8, 2008 at a public meeting with community members in attendance. The lottery process will be explained before the lottery takes place.

7. How does selection work for siblings?

Siblings in grade 8 will attend the same high school that their older brother or sister has chosen unless a parent or guardian specifies otherwise. For this purpose, in order to be considered for sibling status, applicants must meet one of the following criteria:

- a. Brothers or sisters of the same parent(s) or legal guardian(s).
- b. Children that reside in the same household and have the same legal guardian.

* Legal proof of guardianship and residence is required for both instances.

8. What happens if a student does not receive his or her "first choice" school?

If a student is involved in the lottery drawing and does not receive the school he or she selected, then that student may choose to be put on a waiting list for their first choice school. A student's number on the waiting list will be determined by the number he or she draws in the lottery.

9. What about students who enroll in Duquesne after the selection process has taken place?

Students transferring to Duquesne City School District after the selection process has concluded will be given a choice between West Mifflin Area and East Allegheny. If a student's first choice school already has students assigned up to its determined enrollment level, then he or she will be assigned to the other school. If a student wants to be placed on the waiting list for his or her first choice school, then his or her name will be added to the bottom of the waiting list, below the students who took part in the selection process.

10. What happens if a student hands in a selection card after the scheduling period or does not return a selection card?

If a student does not complete and return the school selection card during the selection process, then the student will be assigned to his or her first choice only if space is available because the determined enrollment number has not been reached. If space is not available in the students' first choice school, then the student will be assigned to the other school.

GERALD L. ZAHORCHAK, D. Ed.,
Secretary

[Pa.B. Doc. No. 08-1500. Filed for public inspection August 15, 2008, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

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

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA-0070220 (Minor Sewage)	NIS Hollow Estates, LLC 1170 Pittsford Victor Road P. O. Box 549 Victor, NY 14564	East Penn Township Carbon County	UNT to Lehigh River 2B	Y
PA-0062952 (Industrial Waste)	Laminations, Inc. 101 Power Boulevard Archbald, PA 18403	City of Scranton Lackawanna County	Meadow Brook 05A	Y
PA-0029807	New Jersey Federation of YMHA's and YWHA's 21 Plymouth Street Fairfield, NJ 07004-1615	Dingman Township Pike County	Sawkill Pond 1D	Y
PA-0063673 (Minor Sewage)	Salerno Properties, LLC Fountain Springs West P. O. Box 226 Sciota, PA 18354	Pocono Township Monroe County	Pocono Creek 01E	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0086312 (Sew)	James Dorwart—Quaker Station Apartments 1375 Old Quaker Road Etters, PA 17319	York County Fairview Township	UNT Bennett Run 7F	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0228621	Smithfield Township Authority Wastewater Treatment Facility P. O. Box 102 East Smithfield, PA 18817-0102	Bradford County Smithfield Township	Tomjack Creek SWP 4C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0239488	Eldred Township Warren County 2915 Newton Road Pittsfield, PA 16340	Eldred Township Warren County	Caldwell Creek 16-E	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.

PA0244422, Industrial Waste, SIC 4011, **Norfolk Southern Railway Company**, 110 Franklin Road SE, P. O. Box 13, Roanoke, VA 24042-0013. This existing facility is located in Upper Merion Township, **Montgomery County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge stormwater from the Norfolk Southern Abrams Yard. The previous General Permit (PAR800121) is replaced by an Individual Permit to incorporate PCB monitoring requirements consistent with the Schuylkill River Polychlorinated Biphenyl (PCB) Total Maximum Daily Load (TMDL).

The receiving streams, Crow Creek and UNTs to the Schuylkill River, are in the State Water Plan Watershed 3F and are classified for: WWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for PA American—Norristown is located on the Schuylkill River and is approximately 1.5 miles below the point of discharge.

The proposed effluent limits for Outfalls 001—004 are based on a design flow of an average stormwater event:

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Maximum (mg/l)</i>
CBOD ₅					Monitor
Chemical Oxygen Demand					Monitor
Oil and Grease					Monitor
pH (Standard Units)					Monitor
Total Suspended Solids					Monitor
Total Kjeldahl Nitrogen					Monitor
Total Phosphorus					Monitor
Total Iron					Monitor

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

1. Change of Ownership.
2. Stormwater Requirements.
3. Condition for Schuylkill River PCB TMDL.

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

PA-0028576, Sewage, **Clarks Summit—South Abington Joint Sewer Authority**, P. O. Box 199, Chinchilla, PA 18410-0199. This proposed facility is located in South Abington Township, **Lackawanna County**.

Description of Proposed Activity: Renewal of an NPDES Permit.

The receiving stream, Leggetts Creek, is in the State Water Plan Watershed 5A and is classified for: CWF. The nearest downstream public water supply intake for Danville Water Supply is located on Susquehanna River approximately 75 miles below the point of discharge.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
NH ₃ -N (5-1 to 10-31)	2.9		5.8
(11-1 to 4-30)	8.7		17.4
Dissolved Oxygen	A minimum of 6.0 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.		

Chesapeake Bay Tributary Strategy Nutrient Requirements

<i>Parameter</i>	<i>Concentration (mg/l)</i>		<i>Mass (lbs)</i>
	<i>Monthly Average</i>	<i>Monthly Load</i>	<i>Annual Load</i>
Ammonia-N	Report	Report	Report**
Kjeldahl-N	Report	Report	
Nitrate-Nitrate as N	Report	Report	
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Net Total Nitrogen		Report	Report*
Net Total Phosphorus		Report	Report*

* This permit contains special conditions pertaining to Chesapeake Bay Nutrient Requirements. Part C Special Condition Number Six establishes Annual Mass Load Effluent Limitations for Total Net Nitrogen and Total Net Phosphorus of 45,662 pounds per year and 6,088 pounds per year, respectively. Part C Special Condition Number Seven establishes a compliance schedule which requires compliance with the Nitrogen and Phosphorus effluent limitations to be achieved by September 30, 2015.

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department of Environmental Protection's (Department) Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document No. 392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports submitted to the Department.

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

1. Whole Effluent Toxicity requirement.

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

Application No. PA 0246638, CAFO, **Franklin View Farm**, 1700 Prospect Road, Washington Borough, PA 17582.

1Franklin View Farms, LLC has submitted an NPDES permit renewal application for the Franklin View Farm, an existing dairy and poultry operation in Manor Township, **Lancaster County**. The CAFO is situated near Stamans Run, which is classified as a WWF. The CAFO has a target animal population of approximately 1,141 animal equivalent units consisting of 585 milking cows, 50 dry cows, 280 heifers, three bulls and 32,000 broiler chickens.

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

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

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

Application No. PA 0261131, Sewage, **Tamarack Mobile Home Park**, 515 Beechnut Drive, New Providence, PA 17560. This facility is located in Providence Township, **Lancaster County**.

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

The receiving stream, UNT to Huber Run, is in Watershed 7-K, and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for the Holtwood Power Plant is located on the Susquehanna River, approximately 21 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.016 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25		50
Total Suspended Solids	30		60
NH ₃ -N			
(5-1 to 10-31)	4.0		8.0
(11-1 to 4-30)	12		24
Total Residual Chlorine	0.27		0.9
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform		200/100 ml as a Geometric Average	
(5-1 to 9-30)		2,000/100 ml as a Geometric Average	
(10-1 to 4-30)			

Chesapeake Bay Requirements

<i>Parameter</i>	<i>Concentration (mg/l)</i>	<i>Mass (lbs)</i>	
	<i>Monthly Average</i>	<i>Monthly</i>	<i>Annual</i>
	<i>Report</i>	<i>Report</i>	<i>Report</i>
<i>Ammonia-N</i>			
Kjeldahl-N	Report	Report	XXX
Nitrate-Nitrite as N	Report	Report	XXX
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Net Total Nitrogen	XXX	Report	1,260*
Net Total Phosphorus	XXX	Report	0*

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

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

The EPA waiver is in effect.

Application No. PA 0008281, Amendment No. 1, Industrial Waste, Sewage and Stormwater, PPL Brunner Island, LLC (Brunner Island Steam Electric Station), Two North Ninth Street, GENPL-6, Allentown, PA 18101-1179. This facility is located in East Manchester Township, **York County**.

Description of activity: The Department of Environmental Protection (Department), Southcentral Regional Office Water Management Program, is proposing to amend NPDES Permit No. PA 0008281 to include a new outfall for the discharge of treated wastewater generated by two flue gas desulfurization (scrubber) towers. A new industrial wastewater treatment plant will be constructed to treat the wastewater.

The receiving streams, Susquehanna River, Conewago Creek and Hartman Run, are in Watersheds 7-F and 7-H, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Wrightsville Water Supply Co. is located on the Susquehanna River, approximately 10 miles downstream.

The proposed effluent limits for Outfall 007 (scrubber wastewater) for a design flow of 0.52 mgd are:

<i>Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH	6.0 to 9.0 Standard Units at all times		
Total Suspended Solids	30	100	100
Oil and Grease	15	20	30
Total Copper	0.45	0.9	1.1
Total Lead	0.4	0.8	1.0

Monitoring requirements are proposed for Temperature, Total Phosphorus, Total Kjeldahl Nitrogen, Nitrate and Nitrite-Nitrogen, Total Nitrogen, Total Aluminum, Total Antimony, Total Arsenic, Total Boron, Total Cadmium, Total Chromium, Total Iron, Total Mercury, Total Molybdenum, Total Nickel, Total Selenium, Total Thallium, Total Zinc, chloride and fluoride.

In addition, Total Annual Load limitations for Net Total Nitrogen and Net Total Phosphorus of zero are proposed.

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

The EPA waiver is not in effect.

Application No. PA 0027316, Sewage, City of Lebanon, 400 South Eighth Street, Lebanon, PA 17042. This facility is located in North Cornwall Township, **Lebanon County**.

Description of activity: The application is for an amendment of an NPDES permit for an existing discharge of treated sewage.

The receiving stream, Quittapahilla Creek, is in Watershed 7-D, and classified for TSF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Penn American Water Company is located on the Swatara Creek, approximately 17 miles downstream. The discharge is not expected to affect the water supply.

This amendment revises the Chesapeake Bay Strategy Implementation interim milestone dates. The final compliance date is not affected.

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

The EPA waiver is not in effect.

NPDES Public Notice

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

PA0035246, Industrial Waste, SIC 4941, **Municipal Authority of Westmoreland County**, P. O. Box 730, Greensburg, PA 15601. This application is for renewal of an NPDES permit to discharge treated process water from the Indian Creek Water Filtration Plant in Dunbar Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, Youghiogheny River, classified as a HQ-CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is McKeesport Municipal Water Authority, located at McKeesport, PA, over 30 miles below the discharge point.

Outfall 001: existing discharge, design flow of 1.4 mgd.

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

Other Conditions: Residual waste, no floating solids, chemical additives, submission of data, 3-years compliance period for TRC, Part II effluent limits superseded by this permit.

The EPA waiver is in effect.

PA0217361, Sewage, **East Huntingdon Township**, 1494 Route 981, Alverton, PA 15612-0009. This application is for renewal of an NPDES permit to discharge treated sewage from Iron Bridge Wastewater Treatment Plant in East Huntingdon Township, **Westmoreland County**.

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

Outfall 001: existing discharge, design flow of 0.25 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅				
(5-1 to 10-31)	15			30
(11-1 to 4-30)	30			60
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	6			12
(11-1 to 4-30)	18			36
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			0.5	1.6
Dissolved Oxygen	not less than 5 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0252522, Sewage, **Somerset Township Municipal Authority**, P. O. Box 247, Somerset, PA 15501. This application is for renewal of an NPDES permit to discharge treated sewage from Lavansville Sewage Treatment Plant in Somerset Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as West Branch Coxes 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 Ohiopyle Municipal Water Works.

Outfall 001: existing discharge, design flow of 0.15 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	5.0	7.5		10.0
(11-1 to 4-30)	15.0	22.5		30.0
Fecal Coliform	200/100 ml as a Geometric Mean			
(5-1 to 9-30)	2,000/100 ml as a Geometric Mean			
(10-1 to 4-30)	not less than 3.0 mg/l			
Dissolved Oxygen	not less than 6.0 nor greater than 9.0			
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: The following effluent limitations will apply if/when the treatment plant is expanded to a flow of 0.3 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅				
(5-1 to 10-31)	20	30		40
(11-1 to 4-30)	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	3.5	5.3		7.0
(11-1 to 4-30)	10.0	15.0		20.0
Fecal Coliform	200/100 ml as a Geometric Mean			
(5-1 to 9-30)	2,000/100 ml as a Geometric Mean			
(10-1 to 4-30)	not less than 5.0 mg/l			
Dissolved Oxygen	not less than 6.0 nor greater than 9.0			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

PA0240184, Sewage. **Marilyn R. and Robert E. Jones**, 17473 State Highway 86, Saegertown, PA 16433. This proposed facility is located in Woodcock Township, **Crawford County**.

Description of Proposed Activity: Discharge of treated sewage.

The receiving water is a UNT of Bossard Run. The receiving stream is in State Water Plan 16-A and is classified for the following uses: HQ-CWF, aquatic life, water supply and recreation. The nearest downstream potable water supply is at the discharge.

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

<i>Parameters</i>	<i>Loadings (lb/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Monthly Average</i>	<i>Weekly Average</i>		<i>Monthly Average</i>	<i>Weekly Average</i>	
Flow (mgd)	Monitor and Report					
Chemical Oxygen Demand (COD)				10		20
Ultraviolet light	Monitor and Report					
Total Suspended Solids (TSS)				10		20
Fecal Coliform (CFU/100 ml)				200		
pH (Standard Units)			6.0			9.0

XX—Monitor and report on monthly DMRs.

The EPA waiver is not in effect.

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

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

WQM Permit No. 4608409, Sewerage, **Upper Providence Township**, 1286 Black Rock Road, P. O. Box 406, Oaks, PA 19456. This proposed facility is located in Upper Providence Township, **Montgomery County**.

Description of Action/Activity: Relocation of approx. 1,725 LF of 36" diameter and approx. 454 LF of 12" diameter sanitary sewer pipe.

WQM Permit No. 0908401, Sewerage, **County of Bucks—Department of Public Works**, 55 East Court Street, Doylestown, PA 18901. This proposed facility is located in Nockamixon Township, **Bucks County**.

Description of Action/Activity: Rehabilitation and conversion of the existing spray irrigation system infrastructure to drip irrigation treatment to outfall 002 discharge.

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

WQM Permit No. 2108403, Sewerage, **Michael F. and Cynthia George Camellerie**, 150 Corey Place, Huntington Station, NY 11746. This proposed facility is located in North Middleton Township, **Cumberland County**.

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

WQM Permit No. 3608203, Industrial Waste, **Jason Brandt, Brandt Dairy Operation**, 3501 North Colebrook Road, Manheim, PA 17545. This proposed facility is located in Mount Joy Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction/Operation of two waste storage structures to serve their farm.

WQM Permit No. 3808401, Sewerage, **Union Township**, 3111 SR 72, Jonestown, PA 17038. This proposed facility is located in Union Township, **Lebanon County**.

Description of Proposed Action/Activity: Construction/Operation of a new the Lickdale Wastewater Treatment Plant.

WQM Permit No. 0608403, Sewerage, **Municipal Authority of the Borough of Sinking Spring**, 3940 Penn Avenue, Sinking Spring, PA 19608-1112. The proposed facility is located in Spring Township, **Berks County**.

Description of Proposed Action/Activity: Modifications/Upgrade to wastewater treatment plant, upgrade in capacity from 1.0 mgd to 1.25 mgd.

WQM Permit No. 0608402, Sewerage, **Shoemakersville Municipal Authority**, 115 East Ninth Street, Shoemakersville, PA 19555-1410. The proposed facility is located in Shoemakersville Borough, **Berks County**.

Description of Proposed Action/Activity: Rerate in hydraulic capacity from 0.600 mgd to 0.750 mgd.

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

WQM Permit No. 6008402, Sewerage, **New Berlin Municipal Authority**, P. O. Box 473, 700 Water Street, New Berlin, PA 17855. This proposed facility is located in New Berlin Borough, **Union County**.

Description of Proposed Action/Activity: The permit application is to upgrade and expand the wastewater treatment facility. This upgrade is to achieve nutrient removal and increase the permitted flow to 0.200 mgd.

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

WQM Permit No. 1008401, Sewerage, **Western Butler County Authority**, P. O. Box 427, 607 Market Street, Zelenople, PA 16063. This proposed facility is located in Harmony Borough, **Butler County**.

Description of Proposed Action/Activity: This is a rehabilitation of the Harmony Pump Station which includes: New pumping equipment, including pumps, controls and a back-up generator effectively increasing the pump station capacity to match the available capacity in the existing force main; and replacement of the existing Water Street influent sewer on the pump station site.

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

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024508008	Alfred Natale 14 Whispering Hills Court Effort, PA 18330	Monroe	Chestnuthill Township	Pohopoco Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023908018	Michael Etheridge Partners Profit Group, LLC 49 Glendale Avenue Edison, NJ 08817	Lehigh	South Whitehall Township	Little Cedar Creek HQ-CWF Jordan Creek TSF, MF

Susquehanna County Conservation District: County Office Building, 31 Public Avenue, Montrose, PA 18801, (570) 278-4600.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025808002	Elk Mountain Ski Resorts, Inc. R. R. 2 Box 3328 Uniondale, PA 18470	Susquehanna	Herrick Township	East Branch Tunkhannock Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI036708002	Robert K. Weaver Springwood, LLC 227 Granite Run Drive Suite 100 Lancaster, PA 17601	York	York Township	UNT to Mill Creek— Susquehanna River WWF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI052607002	PPM Energy 1125 NW Couch Road Portland, OR 97209	Fayette	Georges, Springhill and Wharton Townships	Big Sandy Creek HQ-CWF Laurel Run HQ-CWF Mountain Creek CWF Quebec Run EV Rubles Run CWF

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

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

STATE CONSERVATION COMMISSION

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

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under the act of July 6, 2005 (Act 38 of 2005, 3 Pa.C.S. §§ 501—522) (hereinafter referred to as Act 38), and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for 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.

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

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

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

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

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Types</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Application or Action</i>
Randall S. Andrews Spring Maple Farm 421 Penn Grant Road Lancaster, PA 17602	Lancaster	253	433.8	Broilers	HQ	Renewal
Marcus Hoover 3229 Hossler Road Manheim, PA 17545	Lancaster	0	322	Layers	N/A	Renewal

PUBLIC WATER SUPPLY (PWS) PERMIT

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

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

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

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

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

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Application No. 4008506, Public Water Supply.

Applicant	CAN DO, Inc. Butler Township Luzerne County
Responsible Official	Kevin O'Donnell CAN DO, Inc. 125 South Church Street Suite 200 Hazleton, PA 18201
Type of Facility	PWS
Consulting Engineer	Jacqueline A. Peleschak, P. E. Alfred Benesch & Co. 400 One Norwegian Plaza Pottsville, PA 17901
Application Received Date	July 1, 2008
Description of Action	Applicant requests repermitting of existing 120 gpm Well PW-1 to 320 gpm including pump replacement and chlorination system modifications.

Application No. 4508503, Public Water Supply.

Applicant	Aqua Pennsylvania, Inc. Hamilton Water System Hamilton Township Monroe County
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Responsible Official Patrick Burke
Aqua Pennsylvania, Inc.
50 East Woodhaven Drive
White Haven, PA

Type of Facility Public Water System

Consulting Engineer CET Engineering Services
1240 North Mountain Road
Harrisburg, PA

Application Received Date July 22, 2008

Description of Action The addition of treatment, pH adjustment, for general corrosion control and the installation of a pipeline for chlorine contact time at the Lily Street well.

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

Permit No. 0608508, Public Water Supply.

Applicant **Wernersville Municipal Authority**

Municipality South Heidelberg Township

County **Berks**

Responsible Official Brian W. Clements
Chairperson
345 North Wyomissing Boulevard
P. O. Box 6307
Reading, PA 19530-0307

Type of Facility Public Water Supply

Consulting Engineer Christopher A. Wilson, P. E.
Beitmen & Huyett, Inc.
645 Penn Street
P. O. Box 6307
Reading, PA 19601

Application Received: July 11, 2008

Description of Action Project consists of upgrades to the existing Silver Spring Pump Station. Improvements include removing existing booster pump and replacing with multiple pumps, addition of chlorine booster facilities and a emergency generator.

Permit No. 3608507, Public Water Supply.

Applicant **Pequea Valley School District**

Municipality Paradise Township

County **Lancaster**

Responsible Official Mark Brooks
Director of Maintenance
P. O. Box 130
Kinzers, PA 17535

Type of Facility Public Water Supply

Consulting Engineer William E. Fleischer, P. E.
Moore Engineering Company
3637 Columbia Avenue
Lancaster, PA 17603

Application Received: July 18, 2008

Description of Action Installation of softening, disinfection, nitrate treatment, general corrosion control and storage at the New Paradise Elementary School.

Permit No. 3608509, Public Water Supply.

Applicant **Tamarack & Spread Eagle MHP**

Municipality New Providence Township

County **Lancaster**

Responsible Official Frederick Steudler, Jr.
Owner
Beechnut Drive
Quarryville, PA 17566

Type of Facility Public Water Supply

Consulting Engineer Edmond G. McCorkle, P. E.
Terr-Aqua Consultants
252 South Esbenshade Road
Manheim, PA 17545

Application Received: July 29, 2008

Description of Action Conversion of iodine disinfection to a sodium hypochlorite disinfection system.

Permit No. 0608509, Public Water Supply.

Applicant **North Heidelberg Water Company**

Municipality North Heidelberg Township

County **Berks**

Responsible Official Joseph M. Aichholtz
President
231 East Second Street
Bernville, PA 19506

Type of Facility Public Water Supply

Consulting Engineer Mark V. Glenn, P. E.
Gwin, Dobson & Foreman, Inc.
3121 Fairway Drive
Altoona, PA 16602-4475

Application Received: July 30, 2008

Description of Action Permit for addition of Well No. 2 as a source of supply for the existing North Heidelberg Water Company.

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

Permit No. 5308501—Construction, Public Water Supply.

Applicant **Roulette Township**

Township or Borough Roulette Township

County **Potter**

Responsible Official George L. Baker
Chairperson
Roulette Township
P. O. Box 253
4 Railroad Avenue
Roulette, PA 16746

Type of Facility Public Water Supply—Construction

Consulting Engineer Dale W. Sorensen, P. E.
Northwest Engineering, Inc.
P. O. Box Q
16424 Route 62
Tidioute, PA 16351

Permit Issued Date June 30, 2008

Description of Action Replacement of Well No. 4 pump
and increase of water yield to 150
gpm.

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

Permit No. 5608502, Public Water Supply.

Applicant **Somerset Township Municipal
Authority**
2209 North Center Avenue
Somerset, PA 15501

Township or Borough Somerset Township

Responsible Official Carmel D'Arrigo
Chairperson
Somerset Township Municipal
Authority
2209 North Center Avenue
Somerset, PA 15501

Type of Facility Friedens water system

Consulting Engineer Somerset Planning & Engineering
Services, LLC
222 West Main Street
Suite 100
Somerset, PA 15501

Application Received Date June 23, 2008

Description of Action Tap into Somerset County General
Authority as another source,
construct a new 500,000 gallon
water storage tank and
installation of transmission main.

MINOR AMENDMENT

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

**Application No. 3381501-T1-MA4, Minor Amend-
ment.**

Applicant **Falls Creek Borough
Municipal Authority**

Township or Borough Falls Creek Borough
Jefferson County

Responsible Official Chad Smith
Authority Chairperson
117 Taylor Avenue
P. O. Box 418
Falls Creek, PA 15840

Type of Facility Public Water System

Application Received Date August 4, 2008

Description of Action Replace existing gas chlorination
equipment with equipment
suitable for liquid chlorination.

Application No. 2084503-MA1, Minor Amendment.

Applicant **Springboro Area Water
Authority**

Township or Borough Springboro Borough
Crawford County

Responsible Official James Glaspy
Council President
Springboro Borough
P. O. Box 33
Springboro, PA 16435

Type of Facility Public Water System

Application Received Date August 4, 2008

Description of Action Installation of new bolted steel,
glass lined 183,000 gallon ground
level potable water storage tank.

**LAND RECYCLING AND
ENVIRONMENTAL REMEDIATION**

UNDER ACT 2, 1995

PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environ-
mental 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 Stan-
dard, the Site-Specific Standard or who intend to remedi-
ate a site as a special industrial area must file a Notice of
Intent to Remediate with the Department. A Notice of
Intent to Remediate filed with the Department provides a
brief description of the location of the site, a list of known
or suspected contaminants at the site, the proposed
remediation measures for the site and a description of the
intended future use of the site. A person who demon-
strates attainment of one, a combination of the cleanup
standards or who receives approval of a special industrial
area remediation identified under the act will be relieved
of further liability for the remediation of the site for any
contamination identified in reports submitted to and
approved by the Department. Furthermore, the person
shall not be subject to citizen suits or other contribution
actions brought by responsible persons not participating
in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act,
there is a 30-day public and municipal comment period
for sites proposed for remediation using a Site-Specific
Standard, in whole or in part, and for sites remediated as
a special industrial area. This period begins when a
summary of the Notice of Intent to Remediate is pub-
lished 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 remedia-
tion and reuse plans for the site if the request is made
within 30 days of the date specified. During this comment

period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

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

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

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

Bethlehem YMCA, Bethlehem City, Northampton County. James Koval, HDR Engineering, Inc., The Sovereign Building, 609 West Hamilton Street, Allentown, PA 18101 has submitted a Notice of Intent to Remediate (on behalf of his client, Bethlehem YMCA, 430 East Broad Street, Bethlehem, PA 18018), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of an accidental release. The applicant proposes to remediate the site to meet the Statewide Health Standard. The proposed future use of the property is residential housing. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

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

Department of Transportation, Maintenance Facility Hollidaysburg, Blair Township, Blair County. L. Robert Kimball & Associates, Inc., 615 West Highland Avenue, Ebensburg, PA 15931, on behalf of Department of Transportation, 400 North Street, 7th Floor, P. O. Box 3790, Harrisburg, PA 17105, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with motor fuels, heating oil and used motor oil. The site will remain as a Department of Transportation engineering and maintenance district office. The site is to be remediated to the Statewide Health Standard.

O'Sullivan Films, Inc., Lebanon City, Lebanon County. August Mack, 941 Wheatland Avenue, Suite 202, Lancaster, PA 17603, and O'Sullivan Films, Inc., 1507 Willow Street, Lebanon, PA 17046, submitted a Notice of Intent to Remediate site soils contaminated with lubricating oil from operations of two roll mills. The site will be remediated to the Statewide Health Standard and will most likely be used for manufacturing or warehousing activities.

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

Sheetz Store 367 (Buffalo Road Property), Harborcreek Township, Erie County. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601 on behalf of BFB Buffalo Road, LLC, 116 Union Avenue, Altoona, PA 16602 has submitted a Final Report concerning remediation of site soil and site groundwater contaminated with benzene, ethylbenzene, toluene, total xylene (BETX), naphthalene, 1,2-dichloroethane and lead. The report is intended to document remediation of the site to meet the Statewide Health Standard.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Permit Application No. 100022. Chrin Brothers Sanitary Landfill, Chrin Brothers, Inc., 635 Industrial Drive, Easton, PA 18042. A permit renewal application for the continued operation of this municipal waste landfill located in Williams Township, **Northampton County.** The application was received in the Regional Office on July 7, 2008, and as of August 1, 2008, the application was deemed to be administratively complete.

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 operat-

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

PLAN APPROVALS

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

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

10-267C: Three Rivers Aluminum Co.—TRACO (71 Progress Avenue, Cranberry Township, PA 16066) for installation of a regenerative thermal oxidizer as a replacement for existing air pollution control equipment at their facility in Cranberry Township, **Butler County**. This is a Title V facility.

10-284D: Seneca Landfill, Inc. (421 Hartmann Road, Evans City, PA 16033) for construction of a 2,500 cfm landfill gas (LFG) processing plant to separate methane from the raw LFG and deliver the methane for sale to a natural gas utility pipeline in Jackson Township, **Butler County**. This is a Title V facility.

24-123F: Veolia ES Greentree Landfill, LLC (635 Toby Road, Kersey, PA 15846) for construction of additional landfill cells (Area 2 expansion) and for installation of two additional enclosed flares (4,500 cfm each) in Fox Township, **Elk 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.

09-0010B: TEVA Pharmaceuticals USA, Inc. (650 Cathill Road, Sellersville, PA 18960) for addition of ethanol and isopropyl alcohol granulation formulations to an existing Glatt 120 Fluid Bed Processor at their facility in West Rockhill Township, **Bucks County**. The potential VOC emissions from this project were estimated to be 11.7 tpy on a 12-month rolling sum basis. The facility limit for VOC emissions is 24 tpy on a 12-month rolling sum basis.

46-0032D: SPS Technologies, Inc. (301 Highland Avenue, Jenkintown, PA 19046) for installation of a Plating Line, at SPS major manufacturing aerospace parts facility at Highland Avenue Abington Township, **Montgomery County**. The installation of the Plating Line may result in the emissions of 7.80 tpy of PM and 7.80 tpy of HAPs. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The facility currently has a Title V Operating Permit No. 46-00032. The Plan Approval will subsequently be incorporated into the Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

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

08-00029A: PPL Renewable Energy, LLC (Two North Ninth Street, Allentown, PA 18101) submitted an application to the Department of Environmental Protection (Department) for plan approval to construct and operate a 1,600 kW Caterpillar model G3520C landfill gas fired engine at the Northern Tier Solid Waste Authority landfill located in West Burlington Township, **Bradford County**. The proposed engine will be replace an older engine onsite at the Northern Tier Solid Waste Authority landfill.

The Department's review of the information submitted by PPL Renewable Energy indicates that the proposed engine 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 fugitive air contaminant emission requirement of 25 Pa. Code § 123.1, the PM emission limitation of 25 Pa. Code § 123.13, the SOx emission limitation of 25 Pa. Code § 123.21. The proposed engine is also subject to Subpart JJJJ of the Federal Standards of Performance for New Stationary Sources for Stationary Spark Ignition Internal Combustion Engines 40 CFR Part 60 60.4230–60.4248. The proposed engine has the potential to emit 66.7 tpy of CO, 13.8 tpy of SOx, 10.0 tpy of PM, 21.5 tpy of NOx, 3.87 tpy of VOCs and 3.87 tpy of formaldehyde (a HAP). Additionally, if the Department determines that the proposed engine is in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into a State-only operating permit by means an administrative amendment under 25 Pa. Code § 127.450.

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. In accordance with the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID P110 is a 1,600 kW Caterpillar model G3520C lean burn landfill gas fired engine.

2. Compliance with this condition assures compliance with the provisions of 40 CFR Part 60 Subpart JJJJ 60.4231. In accordance with the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the CO emissions from Source ID P110 shall not exceed 3.10 grams per brake horsepower hour, 15.32 pph and 66.7 tons in any 12-consecutive month period.

3. Compliance with this condition assures compliance with the provisions of 40 CFR Part 60 Subpart JJJJ 60.4231. In accordance with the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the NOx emissions from Source ID P110 shall not exceed 1.0 grams per brake horsepower hour, 4.91 pph and 21.51 tons in any 12-consecutive month period.

4. Compliance with this condition assures compliance with the provisions of 25 Pa. Code § 123.13. In accordance with the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the total PM emissions from Source ID P110 shall not exceed 2.29 pph and 10.0 tons in any 12-consecutive month period.

5. Compliance with this condition assures compliance with the provisions of 40 CFR Part 60 Subpart JJJJ 60.4231. In accordance with the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the VOC emissions from

Source ID P110 shall not exceed 1.0 gram per brake horsepower hour, 0.88 pph and 3.87 tons in any 12-consecutive month period.

6. In accordance with the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the formaldehyde emissions from Source ID P110 shall not exceed 0.88 pph and 3.87 tons in any 12-consecutive month period.

7. In accordance with the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the nonmethane organic hydrocarbon (NMOC) emissions from Source ID P110 shall not exceed 20 ppmv as hexane corrected to 3% oxygen.

8. In accordance with the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the SO_x emissions from Source ID P110 shall not exceed 3.16 pph and 13.83 tons in any 12-consecutive month period.

9. Within 180 days of initial operation of Source ID P110 the permittee shall perform NO_x, CO, VOCs, NMOC, formaldehyde, PM and SO_x testing on the exhaust of the engine to determine compliance with the emission limitations for the engine. The testing shall be performed while the engine is operating at its maximum rate.

10. (a) At least 60 days prior to the performance of the stack testing required by this plan approval, a test plan shall be submitted to the Department for evaluation. The plan shall contain a description of the proposed test methods and dimensioned drawings or sketches showing the test port locations.

(b) The Department shall be given at least 15 days advance notice of the scheduled dates for the performance of the stack testing required by this plan approval.

(c) Within 60 days of the completion of the stack tests required by this plan approval, two copies of the test report shall be submitted to the Department. This report shall contain the results of the tests, a description of the testing and analytical procedures actually used in performance of the tests, all process and operating data collected during the tests, a copy of all raw data, and a copy of all calculations generated during data analysis.

11. In accordance with the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall monitor the amount of landfill gas being burned by Source ID P110. Additionally, the permittee shall equip Source ID P110 with instrumentation capable of monitoring the exhaust temperature of Source ID P110.

12. The permittee shall perform an annual adjustment and/or tuneup on Source ID P110 which shall include the following:

(a) Inspection, adjustment, cleaning or replacement of combustion equipment, including stationary and moving parts necessary for proper operation as specified by the manufacturer.

(b) Performance and documentation of annual maintenance or inspections necessary to ensure proper operations to minimize emissions of NO_x, and to the extent practicable minimize emissions of CO.

(c) Sampling of the final NO_x and CO emission rates. This sampling shall be conducted with portable metering equipment in accordance with applicable manufacturer's calibrating and operating procedures.

13. The permittee shall maintain records of the following:

(a) The amount of landfill gas being burned in Source ID P110 on a daily basis.

(b) The exhaust temperature of Source ID P110 on a daily basis.

(c) The NO_x, CO, PM, VOC, NMOC, formaldehyde and SO_x emissions each month and the corresponding 12-consecutive month totals to verify compliance with the applicable emission limitations.

(d) The dates and status of any tuning procedures done on Source ID P110.

(e) The number of hours Source ID P110 is not in operation each month.

14. In accordance with the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the landfill gas generated by NTSWA shall be burned in Source ID P110. Any time that Source ID P110 is not in operation, the landfill gas shall be controlled by the flares owned and operated by Northern Tier Solid Waste Authority (NTSWA) and the flares shall be operated in compliance with the terms and conditions of operating permit 08-322-001A and plan approval 08-322-001B. Under no circumstances shall the gas be vented directly to the atmosphere.

15. In accordance with the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, once Source ID P110 is constructed and operated, the landfill gas fired engine currently owned and operated by NTSWA under operating permit 08-322-001B shall be permanently shut down and not operated again.

16. The permittee shall submit an annual report to the Department of the following:

- The NO_x, CO, PM, VOC, NMOC, formaldehyde and SO_x emissions each of the previous 12-months and the corresponding 12-consecutive month totals.

- The amount of landfill gas burned in Source ID P110 each of the previous 12 months.

- The amount of hours each month that Source ID P110 was not in operation.

This report is due March 1st annually.

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.

12-00008A: GKN Sinter Metals Emporium, Inc. (P. O. Box 493, Emporium, PA 15834), for the proposed construction and operation of an Abbott Furnace Company draw furnace (PF74) and a Bernd Fiand induction hardener (PF99) incorporating two quench stations at their Airport Road plant located in Emporium Borough, **Cameron County**. The PM emissions from the draw furnace and the induction hardener will be controlled by the proposed two-stage electrostatic precipitator (ESP).

The Department of Environmental Protection's (Department) review of the information contained in the application indicates that the construction of the draw furnace and induction hardener (Source ID P105) controlled by the proposed ESP (ID C105) 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 the draw furnace and induction hardener (Source ID P105) controlled by the proposed ESP (ID C105). Additionally, if the Department determines that the respective draw furnace and induction hardener are operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into State-only operating permit by means of an administrative amendment under 25 Pa. Code § 127.450.

Based upon this finding, the Department proposes to issue a plan approval for the construction of the draw furnace and induction hardener and installation of the ESP to control PM emissions from the draw furnace and induction hardener. The following is a summary of the conditions the Department proposes to place in the plan approval to ensure compliance with all applicable regulatory requirements:

1. Under the BAT provisions in 25 Pa. Code §§ 127.1 and 127.12, the air contaminant emissions from the induction hardener and draw furnace shall be controlled by a United Air Specialists, Inc. model PSG-32-3 two-stage wet ESP.

2. Under the BAT provisions in 25 Pa. Code §§ 127.1 and 127.12, the concentration of PM to the outdoor atmosphere of the combined exhaust from the induction hardener and draw furnace shall not exceed 0.0005 grain per dry standard cubic foot.

3. Under the BAT provisions in 25 Pa. Code §§ 127.1 and 127.12, the opacity of the combined exhaust to the outdoor atmosphere from the induction hardener and draw furnace shall not exceed 0%, by U.S. Environmental Protection Agency (EPA) Test Method 9, at all times.

4. The permittee shall monitor, at least once each month, during normal induction hardener and draw furnace operation, the visible emissions of the combined exhaust from the induction hardener and draw furnace. If visible emissions are present in the exhaust, the permittee shall within the same day or next operating day obtain a certified individual to read the opacity by means of U.S. EPA Test Method 9 during normal induction hardener and draw furnace operation.

5. The permittee shall install, maintain and operate instrumentation to continuously measure and record the temperature of the exhaust entering the ESP. The temperature of the exhaust entering the ESP shall not exceed 150° F. The temperature monitoring system shall be electronically interlocked with the induction hardener and draw furnace to immediately shut down the induction hardener and draw furnace should the exhaust temperature to the ESP exceed 150° F. The temperature records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

6. The permittee shall monitor and record at least once each day the status of the indicator light on each power pack access door of each module of the ESP. If an indicator lamp is flashing or is not lit, the permittee shall within the same day perform the troubleshooting procedures and repairs/corrective actions contained on pages 17—20 of the manufacturer's manual. The permittee shall record the troubleshooting procedures performed and the repairs/corrective actions made. In addition, the permittee shall record the output voltages to the ionizer section and collection section of each affected module before and after

the repairs/corrective actions made. The output voltage to the ionizer section shall be 10.0—11.5 KVDC and the output voltage to the collection section shall be 4.5—7.3 KVDC. Repairs/corrective actions that can be made during troubleshooting shall be performed the same day; repairs that require replacement parts shall be completed within 15 days of diagnosis. If either the ionizer section output voltage or the collection section output voltage is outside of the above ranges, the induction hardener and draw furnace shall not be operated until the voltages are restored to within the above required ranges. The records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

7. The permittee shall manually clean and inspect the internal components of the ESP at least once every 3 months in accordance with the manual cleaning and inspection procedures specified on pages 14—16 of the manufacturer's manual. The induction hardener and the draw furnace shall not be operated during ESP cleaning.

8. The permittee shall perform the weekly inspection and maintenance operations specified on pages 13 and 14 of the manufacturer's manual.

9. The permittee shall keep records of the results of the monthly visible emissions readings of the combined exhaust from the induction hardener and draw furnace. In addition, the permittee shall keep records of the U.S. EPA Test Method 9 opacity measurements and resulting averages and any corrective actions taken if the average opacity exceeds 0%. The records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

10. The permittee shall keep the following records of each manual cleaning of the ESP: date of cleaning, type of detergent used (including MSDS), detergent strength, water temperature, type of agitation/impingement used, duration of soaking, rinse procedure and dry-out time. The records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

11. The permittee shall keep records of the results of each weekly inspection and the repairs/corrective actions made. The records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

12. The permittee shall keep records of the amount of Aquacool used each month in the induction hardener. The records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

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

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

10-171C: Butler Color Press (119 Bonnie Drive, Butler, PA 16003) for construction of a new web offset lithography press line with an integrated dryer and

afterburner in Summit Township, **Butler County**. This is a State-only facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State-only operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate BAT for the source:

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

- No person may permit the emission into the outdoor atmosphere of PM in a manner that the concentration of PM in the effluent gas exceeds 0.02 grain per dry standard cubic foot.

- Subject to 25 Pa. Code § 123.21.

- Conduct stack testing for PM and VOC.

- The permittee shall determine the VOC content or VOC composite partial vapor pressure of cleaning solutions shall be determined by one of the following procedures:

- Analysis by U.S. EPA Method 24 of a cleaning solution sample for VOC content or by an appropriate method for composite partial vapor pressure including the use of vendor-supplied Certified Product Data Sheets, or;

- Calculation which combines U.S. EPA Method 24 analytical VOC content data for the concentrated materials used to prepare the press ready cleaning solution and records of the proportions in which they are mixed. The calculation shall only be performed once for each press ready cleaning solution and kept in the form of a batch log, an example of which is attached. The analysis of the concentrated cleaning solution may be performed by the suppliers of those materials, or;

- Calculation for VOC composite partial vapor pressure which combines analytical VOC vapor pressure data for the concentrated materials used to prepare the press ready cleaning solution and records of the proportions in which they are mixed. The analysis and vapor pressure determinations of the concentrated materials may be performed by the suppliers of the materials.

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

- The permittee shall record the following operational data from the control devices (these records may be done with strip charts recorders, data acquisition systems, or manual log entries):

- Dryer pressure relative to press room—continuously as defined as at least once every 15 minutes.

- Combustion chamber temperature—continuously as defined as at least once every 15 minutes.

- The permittee shall collect and record the applicable information specified in this Condition. The information shall be maintained at the facility for a minimum of 5 years and shall be made available to an authorized Department representative at any time during normal working hours. The information required is:

- For each ink or varnish used: the monthly consumption in pounds or gallons; the percent by weight VOC and HAP content, as applied; and, an estimate of VOC and HAP emissions. Alternately, the ink with the highest VOC and HAP content may be used to represent all inks used by the printing press.

- For each fountain solution and additive: the monthly consumption in pounds or gallons; the percent by weight or weight to volume ratio (lbs/gal) VOC and HAP content, and, an estimate of VOC and HAP emissions.

- For each blanket and roller cleaning solution used: the monthly consumption in pounds or gallons; the percent by weight or weight to volume ratio (lbs/gal) VOC and HAP content, and, an estimate of VOC and HAP emissions.

- For each month of operation, the volume of all cleaning solutions used which do not meet cleaning solution requirements in Condition No. 005(c).

- For each month of operation, an estimate of VOC and HAP emissions during the latest 12 months.

- The permittee shall perform a daily operational inspection of the control device.

- Maintain the as applied VOC content of the fountain solution at or below 5.0% by weight or maintain the as applied VOC content of the fountain solution at or below 8.5% by weight and refrigerate the fountain solution to 60° F or less.

- Any blanket and roller cleaning solution used shall meet one of the following requirements:

- VOC content, as applied, is less than or equal to 30% by weight, or;

- VOC composite partial vapor pressure, as used, is less than or equal to 10 mm Hg @ 20° C (68° F).

- The use of cleaning solutions not meeting the above is permitted provided that the quantity used does not exceed 55 gallons over any 12-consecutive months.

- Solvent containers shall be kept closed at all times unless filling, draining or performing cleanup operations.

- Solvent laden shop towels shall be kept in a closed container when not being used.

- The permittee shall determine the VOC content of fountain solution by one of the following procedures:

- Analysis by U.S. EPA Method 24 of a fountain solution sample or by an appropriate method for composite partial vapor pressure including use of vendor-supplied Certified Product Data Sheets, or

- Calculation which combines U.S. EPA Method 24 analytical VOC content data for the concentrated materials used to prepare the press ready fountain solution and records of the proportions in which they are mixed. The calculation shall only be performed once for each press ready fountain solution and kept in the form of a batch log, an example of which is attached. The analysis of the concentrated fountain solution may be performed by the suppliers of those materials.

- Gauges employed by the permittee to monitor the required control device operating parameters shall have a scale such that the expected normal reading shall be no less than 20% of full scale and be accurate within +/- 2% of full scale reading.

- Control device operating parameters, including dryer pressure relative to press room and combustion chamber temperature, shall be operated in a range defined by the

manufacturer or in a range developed during compliant stack testing. The operating range shall be determined within 90 days after startup of the control device and shall be indicated to the Department in writing prior to administratively amending into the facility operating permit. The operating range shall be made part of the facility operating permit.

- For each of the inks, coatings, thinner, adhesives, cleanup solvents used, maintain Certified Product Data Sheets or full disclosure Material Safety Data Sheet or Batch specification sheet which include the following:

- Weight per gallon, as delivered from the vendor or supplier.

- Percent (by weight) of VOC per gallon, as delivered from the vendor or supplier.

- Percent solids (by weight) per gallon, as delivered from the vendor or supplier.

- Percent water and exempt solvent, as delivered from the vendor or supplier.

- Density of VOC, as delivered from the vendor or supplier.

- The permittee shall operate the control device at all times that the source is in operation.

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

OPERATING PERMITS

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

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

06-05025: Morgan Truck Body, LLC (P. O. Box 588, Morgantown, PA 19543-8838) for operation of a heavy duty truck manufacturing facility (Morgan Corporation Plant) in Caernarvon Township, **Berks County**. This action is a renewal of the Title V operating permit issued in 2003.

67-05114: BAE Systems Land & Armaments, LP (1100 Bairs Road, York, PA 17404) for operation of their armored military vehicle manufacturing/refurbishing facility in West Manchester Township, **York County**. The facility currently operates under State-only operating permit No. 67-05046, which limits VOC emissions to less than 50 tpy. The facility expects to become a major source for VOC emissions since production has significantly increased at the facility. The Title V operating permit will contain emission restrictions, monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements.

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

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

15-00118: Allan A. Myers, LP, d/b/a Independence Construction Materials—Devault Asphalt Plant (4042 State Road, Charlestown Township, PA 19432) for operation their stone quarry on Route 29 in Charlestown

Township, **Chester County**. The permit is for a non-Title V (State-only) facility. The Devault Stone Quarry consists of two tertiary cone crushers, rated at 151 tons per hour and two portable nonmetallic mineral processing plants, each rated at 600 tons per hour. The plant utilizes a water spray wet suppression system to control PM emissions. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

46-00230: East Norriton-Plymouth—Whitpain Joint Sewer Authority (200 Ross Street, Plymouth Meeting, PA 19462) for operation of their sewage processing plant in Plymouth Township, **Montgomery County**. The permit is for a non-Title V (State-only) facility. No changes have taken place at the facility since the permit was last issued on September 24, 2003. Major sources of air emissions include a sewage sludge incinerator and associated control devices. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

46-00142: Custom Processing Services, LLC (461 State Street, East Greenville, PA 18041) for a State-only, Natural Minor Operating Permit Renewal in East Greenville Borough, **Montgomery County**. The company provides customized grinding, milling, blending and drying services of various mineral products. The pollutant of concern is PM. Dust collectors are used on all sources for PM control. The permit will include monitoring, recordkeeping and reporting requirements designed to address all applicable air quality requirements.

15-00093: West Chester Animal Hospital (1140 Pottstown Pike, West Chester, PA 19380) for operation of one unit of animal crematorium in West Goshen Township, **Chester County**. The proposed permit is for a non-Title V (State-only), Natural Minor facility. It contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

38-03014: Pennsy Supply, Inc. (1001 Paxton Street, Harrisburg, PA 17105) for operation of a limestone crushing plant in North Londonderry Township, **Lebanon County**. The plant is controlled by wet suppression and potential PM emissions are estimated at less than 10 tpy.

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

17-00001: Reliant Energy, Mid-Atlantic Power Holdings, LLC (121 Champion Way, Suite 200, Canonsburg, PA 15317) for the renewal of their Title IV Phase II, acid rain permit for their Shawville electric generating station located in Bradford Township, **Clearfield County**. This Title V facility is subject to the Acid Rain Requirements of Title IV of the Federal Clean Air Act and 25 Pa. Code § 127.531. Phase II is a continuation of the Acid Rain Program and it became effective on January 1, 2000, for SO₂ and NO_x. The proposed Title IV Phase II, renewal permit will be valid from January 1, 2008, through December 31, 2012. The Title IV Phase II

permit establishes SOx allowances for the station's four utility boilers. It also includes NOx emission limitations of 0.50 lb/mmBtu of heat input for boilers 1 and 2 and 0.45 lb/mmBtu of heat input for boilers 3 and 4. The Reliant representative to contact regarding this operating permit is Joseph DeGangi, Director—PJM East Operations, Reliant Energy Mid-Atlantic Power Holdings, LLC, 121 Champion Way, Suite 200, Canonsburg, PA 15317.

19-00009: Deluxe Building Systems, Inc. (499 West Third Street, Berwick, PA 17055), for their modular structure manufacturing facility located in Berwick Borough, **Columbia County**. The facility's main sources include modular structure plumbing, sealing, adhesive and paint operations, parts washers and 41 space heaters. The facility has the potential to emit PM/PM10/PM2.5, NOx, CO and SOx emissions below the major thresholds. The facility has taken a synthetic minor restriction to limit the VOCs and combined and individual HAPs emissions below the major threshold. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

17-00033: RES Coal, LLC (224 Grange Hall Road, Armagh, PA 15920) for the renewal of a State-only operating permit for the operation of a coal processing facility (Clearfield Siding) in Boggs Township, **Clearfield County**.

The facility incorporates a rotary breaker, a radial stacking conveyor, a railcar loading operation, various stockpiles and three diesel fuel-fired emergency generators (approximately 10 horsepower, approximately 40 horsepower and 150 horsepower). The air contaminant emissions from the facility are not expected to exceed 31.3 tons of PM/PM10, 27.2 tons of NOx, 5.9 tons of CO, 2.2 tons of VOCs, 1.8 tons of SOx and .02 ton of HAPs per year.

The Department of Environmental Protection (Department) proposes to renew State-only Operating Permit 17-00033. The Department intends to incorporate into the renewal all conditions currently contained in State-only Operating Permit 17-00033 with these exceptions, additions and changes:

1. Conditions requiring the performance of weekly inspections of the facility to detect the presence of visible air contaminant emissions, visible fugitive air contaminant emissions and malodorous air contaminant emissions, and the maintenance of records of the results of these inspections, have been removed from the permit as the types of sources existing at this facility are not likely to generate visible air contaminant emissions or malodorous air contaminant emissions and the requirement to observe the facility for the presence of fugitive air contaminant emissions only once per week is misleading. The observations need to be regularly performed every day, all day, as part of the normal operation of the facility, in order to be truly effective in preventing excessive fugitive air contaminant emissions.

2. A condition requiring malfunctions to be reported to the Department has been changed to exempt malfunctions which are not resulting in, or potentially resulting in, air contaminant emissions in excess of an applicable air contamination emission limitation or are not resulting in, or potentially resulting in, noncompliance with a permit condition.

3. A condition requiring facility haul roads to be "saturated" with water has been removed from the permit as the Department does not have the regulatory authority to require haul roads to be "saturated" with water. The Department does have the regulatory authority to require, and is requiring in the permit, the use of a water truck for road dust control and compliance with 25 Pa. Code §§ 123.1 and 123.2 requirements pertaining to the prevention and control of fugitive dust from the use of roadways.

4. A condition requiring an operable water truck to be available onsite at all times and to be used, as needed, for the prevention and control of fugitive dust from plant roadways and stockpile areas has been relocated from Section D of the permit (Source Level Requirements) to Section C (Site Level Requirements).

5. Three diesel fuel-fired emergency generators, which exist at the facility but which were not previously incorporated in the permit, have been added to the permit along with conditions specifying the applicable 25 Pa. Code § 123.13 PM emission limitation and applicable 25 Pa. Code § 123.21 SOx emission limitation and a condition limiting the fuel used in the generators to virgin diesel fuel to which no reclaimed/reprocessed oil, waste oil or other waste materials have been added.

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

33-00108: Brookville Hospital (100 Hospital Road, Brookville, PA 15825-1367) for reissuance of Natural Minor Permit to operate a general medical and surgical hospital. The major emitting sources included: 1) Five natural gas or/No. 2 fuel oil fueled Boilers and; 2) Two, No. 2 fuel oil fueled emergency generators in Brookville Borough, **Jefferson County**. The facility is natural minor because the emission of pollutants from the facility is less than Title V threshold limits.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, State or

local government agency or authority to the Department at the address of the district mining office indicated 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—34.

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

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

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

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

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

More restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining

that may occur, will be incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

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

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

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

Coal Applications Received

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

Table 1

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

Alkalinity greater than acidity¹

¹ The parameter is applicable at all times.

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

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

11920103 and NPDES No. PA0599450. T. J. Mining, Inc., P. O. Box 370, Carrolltown, PA 15722, permit renewal for reclamation only of a bituminous surface and auger mine in Jackson Township, **Cambria County**, affecting 61.0 acres. Receiving streams: UNTs to South Branch Blacklick Creek classified for the following use:

WWF. There are no potable water supply intakes within 10 miles downstream. Application received July 22, 2008.

56040101 and NPDES No. PA0249556. Future Industries, Inc., P. O. Box 157, Meyersdale, PA 15552, revision of an existing bituminous surface mine to add the removal of buried coal refuse from the site to the operational plan in Black Township, **Somerset County**, affecting 52.0 acres. Receiving stream: Rhoades Creek classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. Application received July 29, 2008.

11860107 and NPDES No. PA0597830. Cooney Brothers Coal Company, P. O. Box 246, Cresson, PA 16630, permit renewal for reclamation only of a bituminous surface mine in Dean Township, **Cambria County**, affecting 201 acres. Receiving streams: Clearfield Creek; UNTs to Clearfield Creek; Brubaker Run; UNT to Brubaker Run classified for the following uses: WWF; CWF; CWF; CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 28, 2008.

11823003 and NPDES No. PA0608211. Cooney Brothers Coal Company, P. O. Box 246, Cresson, PA 16630, permit renewal for reclamation only of a bituminous surface mine in Summerhill Township, **Cambria County**, affecting 125.6 acres. Receiving stream: Beaverdam Run classified for the following use: HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 28, 2008.

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

10080102 and NPDES Permit No. PA0258610, Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127). Commencement, operation and restoration of a bituminous surface strip operation in Mercer Township, **Butler County** affecting 4.0 acres. Receiving streams: UNTs to Swamp Run to Wolf Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received July 21, 2008.

16070102 and NPDES Permit No. PA0258288. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Revision to an existing bituminous surface strip operation to add the Lower Freeport coal seam and 5.0 acres in Toby Township, **Clarion County** affecting 104.3 acres. Receiving streams: UNTs to Black Fox Run and Black Fox Run, and UNTs to Catfish Run, classified for

the following: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received July 28, 2008.

61970102 and NPDES Permit No. PA0227595. Rusnak Coal Company (P. O. Box 44, Grove City, PA 16127). Renewal of an existing bituminous surface strip, auger, coal ash placement and sandstone removal operation in Irwin Township, **Venango County** affecting 54.5 acres. Receiving streams: UNT to Scrubgrass Creek, classified for the following: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received July 29, 2008.

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

14080102 and NPDES No. PA0256854. AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650). Commencement, operation and restoration of a bituminous surface mine in Rush Township, **Centre County**, affecting 151.5 acres. Receiving stream: UNT to Moshannon Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 18, 2008.

17080110 and NPDES No. PA0256862. Larry Fahr Coal Company (2062 Ashland Road, Osceola Mills, PA 16666). Commencement, operation and restoration of a bituminous surface mine in Decatur Township, **Clearfield County**, affecting 11.0 acres. Receiving stream: Morgan Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 15, 2008.

Noncoal Applications Returned

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

30070603. H & H Stone Co., LLC (P. O. Box 66, Blacksville, WV 26521). Returned application for commencement, operation and commencement of a noncoal surface mine, located in Perry Township, **Greene County**, affecting 15 acres. Receiving streams: Black's Run and Hackelbender Run. Application received October 30, 2007. Application returned July 31, 2008.

Noncoal Applications Received

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

Parameter	Table 2		
	30-day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

* The parameter is applicable at all times.

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

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

26980601 and NPDES Permit No. PA0202193. Hanson Aggregates BMC, Inc. (2200 Springfield Pike, Connellsville, PA 15425). NPDES Renewal application for continued mining of an existing large noncoal surface

mine, located in Bullsken Township, **Fayette County**, affecting 673 acres. Receiving streams: UNT to Breakneck Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received July 29, 2008.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E28-327: Waste Management Disposal Services of PA, Inc., Mountain View Reclamation Landfill Expansion, 9446 Letzburg Road, Greencastle, PA 17225-9317, Antrim and Montgomery Townships, **Franklin County**, United States Army Corps of Engineers, Baltimore District.

To: 1) fill two PEM wetlands totaling 0.598 acre of wetland fill; 2) fill 750.0 linear feet of an ephemeral UNT to the Conococheague Creek (WWF); 3) realign 203.0

linear feet of an ephemeral UNT to the Conococheague Creek (WWF); and 4) realign 684.0 linear feet of a perennial UNT to the Conococheague Creek (WWF), and to realign approximately 300.0 linear feet of stream channel within Sedimentation Basin 2 to a UNT to Conococheague Creek (WWF). The project is located at 9446 Letzburg Road (Williamson, PA Quadrangle N: 4.5 inches; W: 4.5 inches, Latitude: 39° 48' 14"; Longitude: 77° 48' 26") in Antrim and Montgomery Townships, Franklin County. The purpose of the project is to expand the existing Mountain View Reclamation Landfill. The permittee is required to provide a minimum of 1.15 acres of PEM replacement wetlands and a minimum of 1,686.0 linear feet of stream channel mitigation on site.

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

E41-591. Lycoming County, 48 West Third Street, Williamsport, PA 17701. Standard Joint Water Obstruction Permit Application, in Brady Township, **Lycoming County**, United States Army Corps of Engineers, Susquehanna River Basin District (Montoursville South, PA Quadrangle N: 41° 9' 5"; W: 76° 55' 7").

To remove an existing 64 foot metal culvert and construct and maintain 132 feet of reinforced concrete culvert, in Brady Township, Lycoming County. This project proposes to have a minor impact on Black Hole Creek for a period not to exceed 10 years, which is, designated a WWF. This project proposes to impact 0.90 acre jurisdictional wetlands and replace with 0.95 acre of jurisdictional wetland out of an existing wetland bank.

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

E11-333. Greater Johnstown Redevelopment Authority, 4th Floor, Public Safety Building, 401 Washington Street, Johnstown, PA 15901. To construct a 15 inch storm drain pipe in a 24 inch steel casing in the City of Johnstown, **Cambria County**, United States Army Corps of Engineers, Pittsburgh District (Johnstown, PA Quadrangle N: 13.2 inches; W: 6.4 inches, Latitude: 40° 9' 22"; Longitude: 78° 55' 15"). The applicant proposes to construct and maintain a 15-inch PVC storm drain pipe in a 24-inch steel casing by method of boring under the vertical portion of the river wall and through the sloped portion of the river concrete lining of the flood control structure in the Stony Creek River (WWF). The project is associated with a new 3-story office building, located at the intersection of SR 0403 and Somerset Street.

E32-486. Department of Transportation, District 10-0, 2550 Oakland Avenue, P. O. Box 429, Indiana, PA 15701. To place fill in wetlands and construct an RCP enclosure, and relocate a UNT in Black Lick Township, **Indiana County**, United States Army Corps of Engineers, Pittsburgh District (Bolivar, PA Quadrangle N: 20.9 inches; W: 14 inches, Latitude: 40° 29' 14"; Longitude 79° 13' 40"). To place and maintain fill in 0.026 acre of PEM wetland; construct and maintain a 200 ft. long, 54 inch diameter RCP enclosure; and relocate 470 ft. of a UNT to Muddy Run (CWF) with a drainage area of 250 acres. The project is associated with needed road safety and improvements to a relocation of a section of SR 3013.

E65-925. Allegheny Power, 800 Cabin Hill Road, Greensburg, PA 15601. To place and maintain fill in floodway in Latrobe, **Westmoreland County**, United States Army Corps of Engineers, Pittsburgh District

(Latrobe, PA Quadrangle N: 9.3 inches; W: 0.6 inch, Latitude 40° 18' 4"; Longitude 79° 22' 44.8"). To place and maintain fill in the floodway of Loyalhanna Creek, (WWF) and to place and maintain fill in 0.57 acre in the Loyalhanna Creek Watershed, for the purpose of constructing improvements to the an electrical substation.

ENVIRONMENTAL ASSESSMENTS

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

EA59-015. Tioga County Concerned Citizens Committee—Charles Andrews, President. P. O. Box 124, Blossburg, PA 16912. Fall Brook AMD Treatment Project,

Ward Township, **Tioga County**, United States Army Corps of Engineers, Baltimore District (Gleason, PA Quadrangle Latitude N: 41° 40' 52"; Longitude W: 76° 59' 06").

The applicant proposes to construct a chemical treatment system to treat four acid mine drainage discharges to Fall Brook Creek. Construction of the treatment system will permanently impact 2.06 acres of PEM-SS wetlands. Construction will occur on previously disturbed lands from past mining activities and the wetlands to be impacted were formed by the acid mine drainage seeps onsite.

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 waste; discharge into groundwater
Section IV	NPDES	MS4 individual permit
Section V	NPDES	MS4 permit waiver
Section VI	NPDES	Individual permit stormwater construction
Section VII	NPDES	NOI for coverage under NPDES general permits

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

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA-0035891 (Minor Sewage)	Escape Property Owners Association P. O. Box 282 Greentown, PA 18426	Palmyra Township Pike County	UNT to Lake Wallenpaupack	N
PA-0060542 (Minor Sewage)	Wallenpaupack Lake Estates P.O.A. 114 Wallenpaupack Drive Lake Ariel, PA 18436	Paupack Township Wayne County	UNT to Lake Wallenpaupack	N

The Total Phosphorus limit is being reduced to 0.5 mg/l (monthly average) in accordance with the Lake Wallenpaupack TMDL.

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0247073 (Sew)	Hopewell Township—Sunnyside STP 2759 Raystown Road Hopewell, PA 16650	Bedford County Hopewell Township	Raystown Branch Juniata River 11-D	Y
PA0247081 (Sew)	Hopewell Township— Tatesville STP 2759 Raystown Road Hopewell, PA 16650	Bedford County Hopewell Township	Pipers Run 11-D	Y
PA0008508 (Sew)	Burle Industries, Inc. 1004 New Holland Avenue Lancaster, PA 17601	Lancaster County Lancaster City	Conestoga River 7-J	Y
PA0082066 (IW)	Valley Proteins, Inc. 151 ValPro Drive P. O. Box 3588 Winchester, VA 22604-2586	Lancaster County East Earl Township	Muddy Creek 7-J	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0095443 Industrial Waste	Hart Resource Technologies, Inc. P. O. Box 232 Creekside, PA 15732	Indiana County Washington Township	McKee Run	Y
PA0001287 Industrial Waste	Armstrong World Industries 1018 11th Street Beaver Falls, PA 15010	City of Beaver Falls Beaver County	Walnut Bottom and Brighton Alley Runs	Y
PA0206041 Industrial Waste	Washington Penn Plastics Company, Inc. 450 Racetrack Road P. O. Box 236 Washington, PA 15301-0236	South Strabane Township Washington County	Chartiers Creek	Y
PA0216950 Industrial Waste	Creswell Heights Joint Authority P. O. Box 301 South Heights, PA 15108	South Heights Borough Beaver County	Ohio River	Y
PA0042587 Sewage	MLM Enterprises 12 North Jefferson Avenue Canonsburg, PA 15317	Washington County North Strabane Township	UNT of Little Chartiers Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0239224	Gentile Enterprises, Inc. 270 Sharon Road Greenville, PA 16125	West Salem Township Mercer County	Big Run 20-A	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. PA0051306, Sewage, **Camp Green Lane**, 1000 Germantown Pike, F-3, Plymouth Meeting, PA 19462. This proposed facility is located in Salford Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage from the facility into Ridge Valley Creek in Watershed 3E.

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

NPDES Permit No. PAS603505, Amendment No. 1, Industrial Stormwater, **Harry J. Darrah**, President, J & K Salvage, Inc., 1099 Kings Mill Road, York, PA 17403. This proposed facility is located in Spring Garden Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to 7-H.

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

PA0112534, Sewage, **The Meadows at Watsonstown, LLC**, 2814 Walbert Avenue, Allentown, PA 18104. This facility is located at 100 Seagrave Drive, Watsonstown in Delaware Township, **Northumberland County**.

Description of Proposed Activity: Permit issuance of a NPDES permit to cover the existing facility treating wastewater.

The receiving stream, Delaware Run, is in the State Water Plan Watershed 10D and is classified for: WWF. The nearest downstream public water supply intake for PA American Water Company at Milton, PA located 11 river miles downstream from the discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.053 mgd.

<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 ₅	25			50
TSS	30			60
Total Chlorine Residual	1.0			2.3
NH ₃ N				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
pH			6.0 to 9.0 at all times	
Fecal Coliforms				
(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		

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

NPDES Permit No. PA0253545, Industrial Waste, **Pennsylvania Biodiesel, Inc.**, Northgate Industrial Park, 759 Northgate Circle, New Castle, PA 16105. This proposed facility is located in Potter Township, **Beaver County**.

Description of Proposed Action/Activity: Permit issuance for operation of a biodiesel manufacturing plant.

NPDES Permit No. PA 0253715, Sewage, **PBS Coals, Inc.**, P. O. Box 260, Friedens, PA 15541-0260. This proposed facility is located in Stonycreek Township, **Somerset County**.

Description of Proposed Action/Activity: Permit issuance for sewage treatment plant discharge.

NPDES Permit No. PA0253731, Sewage, **Richard Holland**, 943 Blackhawk Road, Beaver Falls, PA 15010. This proposed facility is located in South Beaver Township, **Beaver County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a single-residence sewage treatment plant.

NPDES Permit No. PA0253804, Sewage, **Charles Goulding**, 2638 Glenchester Road, Wexford, PA 15090. This proposed facility is located in Franklin Park Borough, **Allegheny County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a single-residence sewage treatment plant.

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

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

WQM Permit No. 3608404, Sewage, **Paradise Township Sewer Authority**, Two Township Drive, P. O. Box 40, Paradise, PA 17562. This proposed facility is located in Paradise Township, **Lancaster County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewerage facilities consisting of: Kinzers Phase II pump station with dual 31 gpm submersible grinder pumps and and 675 feet of 2 1/2 PVC force main.

WQM Permit No. 3608403, Sewage, **Welsh Mountain Home**, 567 Springville Road, New Holland, PA 17557. This proposed facility is located in Salisbury Township, **Lancaster County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewerage facilities consisting of: 6,000 gpd Biomicrobics FAST system with elevated sand mound.

WQM Permit No. WQG02670801, Sewerage, **Newberry Township Municipal Authority**, 1915 Old Trail Road, Etters, PA 17319. This proposed facility is located in Newberry Township, **York County**.

Description of Proposed Action/Activity: Construction/Operation of the White Oak Sewer Interceptor.

WQM Permit No. WQG02360801, Sewerage, **Suburban Lancaster Sewer Authority**, P. O. Box 458, Lancaster, PA 17608-0458. This proposed facility is located in West Lampeter Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction/Operation of the Astonshire sewage pumping station and force main.

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

WQM Permit No. 5508403, Sewerage, **Eastern Snyder County Regional Authority**, South Front Street, Selinsgrove, PA 17870. This facility is located in Penn Township, **Snyder County**.

Description of Proposed Action/Activity: The permit issuance is for the organic rerate of the existing facility.

WQM Permit No. 4708401, **Borough of Danville**, 239 Mill Street, Danville, PA 17821. This proposed facility is located in Danville Borough, **Montour County**.

Description of Proposed Action/Activity: Permit issuance is for the addition of an effluent pump to allow for discharge during Susquehanna River high water events.

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

WQM Permit No. 0407201, Industrial Waste, **Pennsylvania Biodiesel, Inc.**, Northgate Industrial Park, 759 Northgate Circle, New Castle, PA 16105. This proposed facility is located in Potter Township, **Beaver County**.

Description of Proposed Action/Activity: Permit issuance for installation and operation of oil/water separator to treat stormwater runoff collected in tank farm containment dikes.

WQM Permit No. WQG016159, Sewerage, **Jerry L. Klotz**, 821 East Main Street, Somerset, PA 15501. This proposed facility is located in Somerset Borough, **Somerset County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a single-residence sewage treatment plant.

WQM Permit No. WQG016163, Sewerage, **Vincent Wolf**, 2730 Beaver Grade Road, Moon Township, PA 15108. This proposed facility is located in Moon Township, **Allegheny County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a single-residence sewage treatment plant.

WQM Permit No. WQG016161, Sewerage, **Michael Sworden**, 3050 Bedillion Road, Washington, PA 15301. This proposed facility is located in South Franklin Township, **Washington County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a single-residence sewage treatment plant.

WQM Permit No. 0207406, Sewerage, **Collier Township Municipal Authority**, 2418 Hilltop Road, Suite 200, Presto, PA 15142. This proposed facility is located in Collier Township, **Allegheny County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a sanitary sewer.

WQM Permit No. 0208401, Sewerage, **Charles M. Goulding**, 2638 Glenchester Road, Wexford, PA 15090. This proposed facility is located in Franklin Park Borough, **Allegheny County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a single-residence sewage treatment plant.

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

WQM Permit No. WQG018640, Sewerage, **Joseph Tipping**, 610 Boden Street, Turtle Creek, PA 15145. This proposed facility is located in East Fallowfield Township, **Crawford County**.

Description of Proposed Action/Activity: A single-residence sewage treatment plant.

WQM Permit No. 1694201, Sewerage, **County Landfill, Inc.**, 5600 Niagara Falls Boulevard, Niagara Falls, NY 14304-1532. This proposed facility is located in Farmington Township, **Clarion County**.

Description of Proposed Action/Activity: Upgrading the existing leachate treatment plant by adding filters to remove residual solids and BOD and by modifying existing biological treatment capacity.

WQM Permit No. WQG018573, Sewerage, **William Schwartz**, 381 County Line Road, Harrisville, PA 16137. This proposed facility is located in Marion Township, **Butler County**.

Description of Proposed Action/Activity: A single-residence sewage treatment plant.

WQM Permit No. WQG018639, Sewerage, **Terri Brown**, 106 New Hope Road, Slippery Rock, PA 16057. This proposed facility is located in Cherry Township, **Butler County**.

Description of Proposed Action/Activity: A single-residence sewage treatment plant.

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

WQM Permit No. 4600414, Sewerage, Amendment, **Hatfield Township Municipal Authority**, 3200 Advance Lane, Colmar, PA 18915. This proposed facility is located in Hatfield Township, **Montgomery County**.

Description of Action/Activity: Two new equalization tanks, replacement of pumps in pump station No. 2 with three new pumps rated at 4.3 mgd, each will be a backup pump, a new utility building, two diversion chambers and a new force main.

WQM Permit No. 4608404, Sewerage, **Plymouth Township**, 700 Belvoir Road, Plymouth Meeting, PA 19462. This proposed facility is located in Plymouth Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of the Diamond Run force main extension of the existing Chemical Road Pump Station force main.

WQM Permit No. WQG02460808, Sewerage, **Horsham Water and Sewer Authority**, 617 Horsham Road, Horsham, PA 19044. This proposed facility is located in Horsham Township, **Montgomery County**.

Description of Action/Activity: Construction and installation of a force main and grinder pumps to serve a new Sunrise Assisted Living Facility and six existing homes in Horsham Township.

WQM Permit No. WQG02460812, Sewerage, **New Hanover Township Authority**, 2943 North Charlotte Street, Gilbertsville, PA 19525. This proposed facility is located in New Hanover Township, **Montgomery County**.

Description of Action/Activity: Three individual grinder pump stations with common low pressure force main.

WQM Permit No. 1596201, Sewerage, Amendment, **Deluxe Corporation**, 3680 Victoria Street North, Shoreview, MN 55126-2966. This proposed facility is located in Willistown Township, **Chester County**.

Description of Action/Activity: Underground injection air stripper.

WQM Permit No. 1508402, Sewerage, **Pennsylvania American Water Company**, 4 Wellington Boulevard, Wyomissing, PA 19610. This proposed facility is located in Parkesburg Borough, **Chester County**.

Description of Action/Activity: Replacement of 6" and 12" clay gravity sewer lines with 8" and 18" PVC.

WQM Permit No. WQG02460811, Sewerage, **Franconia Township**, 671 Allentown Road, P. O. Box 128, Franconia, PA 18924. This proposed facility is located in Franconia Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of five onlot grinder pumps.

WQM Permit No. 1502404, Sewerage, **East Goshen Township**, 1580 Paoli Pike, West Chester, PA 19380. This proposed facility is located in East Goshen Township, **Chester County**.

Description of Action/Activity: Upgrading the existing treatment plant to increase capacity to 0.750 mgd.

WQM Permit No. 1508409, Sewerage, **Pennsylvania American Water Company**, 4 Wellington Boulevard, Wyomissing, PA 19610. This proposed facility is located in Parkesburg Borough, **Chester County**.

Description of Action/Activity: Replacement of damaged 10" clay sewer with 12" PVC.

WQM Permit No. 2308402, Sewerage, **Delaware County Regional Water Quality Authority**, 100 East Fifth Street, Chester, PA 19016-0999. This proposed facility is located in Chester City, **Chester County**.

Description of Action/Activity: Add screening devices to improve their sludge and grease handling at the existing treatment plant.

WQM Permit No. 1586408-T-2, Sewerage, Transfer, **Little Washington Wastewater Company, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489. This proposed facility is located in Willistown Township, **Chester County**.

Description of Action/Activity: Transfer the existing pump station, surge tank, a carbon oxidation-nitrification system, a clarifier, a sludge holding tank, a chlorine contact tank and three seepage beds.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024808005	Transcontinental Gas Pipe Line Corp. 2800 Post Oak Boulevard Houston, TX 77056-1396	Northampton and Monroe	Plainfield, Bushkill and Ross Townships	Little Bushkill Creek HQ-CWF, MF Tributaries to Bushkill Creek HQ-CWF Sobers Run EV Aquashicola Creek HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI-0306-03-003-R	David Weaver Guardian Harbor Property Management, LP 701 Berkshire Place Reading, PA 19601	Berks	Reading City	Schuylkill River WWF
PAI-0321-08-002	CHR Corp. Tim Rutter 2295 Susquehanna Trail Suite C York, PA 17404	Cumberland	Middlesex Township	Letort Spring Run HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI061606001(1)	Farmington Township 32691 Route 66 Leeper, PA 16233	Clarion	Farmington Township	Toby Creek CWF UNTs Toms Run CWF

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

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

General Permit Type—PAG-2

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Wilkes-Barre Township Luzerne County	PAG2004008013	Millett Realty Attn: Dan Millet P. O. Box 12 Scranton, PA 18505-0012	Solomon Creek CWF	Luzerne County Conservation District (570) 674-7991
Rush Township Schuylkill County	PAG2005408010	Marc Renn and Hannah Coleman 71 Tamanend Road Quakake, PA 18245	Tributary to Neifert Creek CWF	Schuylkill County Conservation District (570) 622-3742

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Susquehanna Township Dauphin County	PAG2002203019R	Kenneth H. Myhre 4725 Meadow View Sarasota, FL 34233	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Hanover Borough York County	PAG2006708027	Mark A. Austin Department of Military and Veterans Affairs Building 0-47 Fort Indiantown Gap Annville, PA 17003	UNT to South Branch Conewago Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Springfield Township York County	PAG2006706106	Dr. Stewart Weinberg Dallastown Area School District 700 New School Road Dallastown, PA 17313	UNT to East Branch Codorus Creek CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Liberty Township Bedford County	PAG2000508011	Richard Steele 11547 Raystown Road Saxton, PA 16678	Raystown Branch Juniata River WWF	Bedford County Conservation District 702 West Pitt Street Suite 3 Fairlawn Court Bedford, PA 15522 (814) 623-7900, Ext. 3
Shrewsbury Township York County	PAG2006703063-R	Allen M. Smith DAK Properties 610 Edgegrove Road Hanover, PA 17331	UNT to South Branch Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Glen Rock Borough York County	PAG2006708054	George Spencer Craftsman Homes, Inc. 903 Falls Road Parkton, MD 21120	UNT to Centerville Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Hellam Township York County	PAG2006703107-R	Kinsley Equities II, LP 6259 Reynolds Mill Road Seven Valleys, PA 17360	UNT to Susquehanna River WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Tuscarora Township Juniata County	PAG2033408003	Department of Transportation Engineering District 2-0 1924 Daisy Street Extension P. O. Box 342 Clearfield, PA 16830	Laurel Run CWF	Juniata County Conservation District R. R. 2 Box 35 Stoney Creek Drive Mifflintown, PA 17059 (717) 436-8953, Ext. 5
Bern Township Berks County	PAG2000608049	Terry Sroka 2501 Bernville Road Reading, PA 19605	Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Reading City Berks County	PAG2000608021	Andrew Hicks 122 South 3rd Street Partners, LP 150 East Pennsylvania Avenue Suite 400 Downingtown, PA 19335	Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Cumru Township Berks County	PAG2000608034	Harry O'Neill Empire Wrecking 1420 Clarion Street Reading, PA 19601	Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Bradford County Smithfield Township	PAG2000808003	Glenn Gorrell Gorrell Dairy R. R. 1 Box 220 Milan, PA 18831	Tomjack Creek TSF	Bradford County Conservation District Stoll Natural Resource Center R. R. 5 Box 5030C Towanda, PA 18848 (570) 265-5539, Ext. 6
Clearfield County Lawrence Township	PAG2001708002	Ben Timko 1800 Daisy Street Extension Clearfield, PA 16830	UNT to Moose Creek CWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Clinton County City of Lock Haven	PAG2001808005	North Forest Development, LLC 18 North Main Street Mansfield, PA 16933	Bald Eagle Creek WWF	Clinton County Conservation District 45 Cooperation Lane Mill Hall, PA 17751 (570) 726-3798
Fayette County North Union Township	PAG2002608012	Joseph Szczur Department of Transportation Engineering District 12-0 825 North Gallatin Avenue Uniontown, PA 15401	Cover Run WWF	Fayette County Conservation District (724) 438-4497
Somerset County Union Township	PAG2005608004	Department of Transportation 1620 North Juniata Street Hollidaysburg, PA 16648	Stonycreek River TSF	Somerset County Conservation District (814) 445-4652

General Permit Type—PAG-3

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
City of New Kensington Westmoreland County	PAR806265	ECM Transport, LLC 1460 Greensburg Road New Kensington, PA 15068	Puckata Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Liberty Borough Allegheny County	PAR206129	Dura-Bond Industries, Inc. P. O. Drawer 518 2658 Puckety Drive Export, PA 15632-0518	Youghiogheny River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Blairsville Borough Indiana County	PAR216145	Blairsville Wilbert Vault Company 100 North East Lane Blairsville, PA 15717	Conemaugh River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
East Huntingdon Township Westmoreland County	PAR806214	FedEx Freight East, Inc. 2200 Forward Drive DC 2270 Harrison, AR 72601	UNT to Buffalo Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
North Union Township Fayette County	PAR806110	Golden Eagle Construction Company P. O. Box 945 Uniontown, PA 15401	Cove Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
<i>General Permit Type—PAG-4</i>				
<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lebanon County North Londonderry Township	PAG043594	Dale G. Huffman 1195 Snyder Road Annville, PA 17003	UNT Quittapahilla Creek TSF 7-D	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Cumberland County North Middleton Township	PAG043879	Michael F. and Cynthia George Camellerie 150 Corey Place Huntington Station, NY 11746	UNT to Conodoguinet Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Somerset Borough Somerset County	PAG046365	Jerry L. Klotz 821 East Main Street Somerset, PA 15501	UNT to Wells Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Moon Township Allegheny County	PAG046377	Vincent Wolf 2730 Beaver Grade Road Moon Township, PA 15108	Tributary to Trout Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
South Franklin Township Washington County	PAG046371	Michael Sworden 3050 Bedillion Road Washington, PA 15301	UNT to Fork of Bane Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Richland Township Allegheny County	PAG046382	Richard S. Engel 5713 Wesley Ann Drive Gibsonia, PA 15044	UNT of Willow Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Washington Township Armstrong County	PAG046374	John and Debbie McAuley 400 Adrian Sherrett Road Adrian, PA 16210	Allegheny River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

NOTICES

4565

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
North Fayette Township Allegheny County	PAG046145	Frank E. Buck 1819 North Road McDonald, PA 15057	Fink Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Summerhill Township Crawford County	PAG048770	James H. Hodson 18332 Shermansville Road Conneautville, PA 16406	UNT to Conneaut Creek 15	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Marion Township Butler County	PAG049372	William Schwartz 381 County Line Road Harrisville, PA 16137	UNT of the North Branch Slippy Rock Creek 20-C	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Cherry Township Butler County	PAG049450	Terri Brown 106 New Hope Road Slippy Rock, PA 16057	UNT to Slippy Rock Creek 20-C	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
East Fallowfield Township Crawford County	PAG049451	Joseph Tipping SFTF 610 Boden Street Turtle Creek, PA 15145	McDowell Run 16-D	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-5

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Sandy Township Clearfield County	PAG054827	Pilot Travel Centers, LLC 5508 Lonas Drive Knoxville, TN 37909	Slab Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Boggs Township Centre County	PAG054829	Robert T. Catherman P. O. Box 380 Milesburg, PA 16853	UNT to Bald Eagle Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664

General Permit Type—PAG-7

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Indiana County Burrell Township	PAG076102	Blairsville Municipal Authority 203 East Market Street Blairsville, PA 15717	Blairsville Municipal Authority WWTP Industrial Park Road Blairsville, PA 15717	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-8

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Derry Township Dauphin County	PAG083518	Derry Township Municipal Authority 670 Clearwater Drive Hershey, PA 17033	Derry Township Municipal Authority WWTP	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

General Permit Type—PAG-8 (SSN)

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Antrim Township Franklin County	PAG080002 PAG080003 PAG080004 PAG080006 PAG080008 PAG080018 PAG082201 PAG082203 PAG082211 PAG083501 PAG083502 PAG083506 PAG083510 PAG083515 PAG083517 PAG083518 PAG083522 PAG083535 PAG083540 PAG083542 PAG083547 PAG083551 PAG083556 PAG083565 PAG083567 PAG083573 PAG083596 PAG083597 PAG083600 PAG083825 PAG089903 PAG089904 PAG089905	Synagro 1605 Dooley Road P. O. Box B Whiteford, MD 21160	Wayne Heebner Farm	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

Derry Township Westmoreland County		Synagro 3239 Route 981 New Alexandria, PA 15670	Ebert Farm	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
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Derry Township Westmoreland County	Synagro 3239 Route 981 New Alexandria, PA 15670		Frye Farm	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
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General Permit Type—PAG-12

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lancaster County Rapho Township	PAG123665	Kerek Musser 2604 Hossler Road Manheim, PA 17545	UNT of Back Creek TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

**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>Approved or Disapproved</i>
Bryan Miller 5111 Miller Road Glenville, PA 17329	York	467	284.5 40.0	Layers Beef	N/A	Approved

**PUBLIC WATER SUPPLY (PWS)
PERMITS**

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

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

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Permit No 2308501 , Public Water Supply.	
Applicant	Chester Water Authority P. O. Box 467 Chester, PA 19016-0467
Township	Concord
County	Delaware
Type of Facility	PWS
Consulting Engineer	Steve Farney Chester Water Authority P. O. Box 467 Chester, PA 19016

Permit to Construct January 30, 2008
Issued

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

Permit No. 3407503, Public Water Supply.

Applicant **John E. Groninger, Inc.**
Municipality Fermanagh Township
County **Juniata**
Type of Facility Proposed Arch Rock Development's water system includes two wells, a storage tank, a treatment building and distribution system.
Consulting Engineer Stephen R. Morse, P. E.
Skelly and Loy, Inc.
2601 North Front Street
Harrisburg, PA 17110-1185

Permit to Construct July 31, 2008
Issued

Permit No. 3808502, Public Water Supply.

Applicant **Country Acres MHP, LP**
Municipality Jackson Township
County **Lebanon**
Type of Facility Installation of nitrate treatment of Well No. 1 through blending with Well No. 2.
Consulting Engineer David J. Gettle
Kohl Bros., Inc.
P. O. Box 350
Myerstown, PA 17067

Permit to Construct July 24, 2008
Issued

Operations Permit issued to **Delta Borough**, 7670070, Peach Bottom Township, **York County** on July 28, 2008, for the operation of facilities approved under Construction Permit No. 6706504.

Operations Permit issued to **Proto-Cast, LLC**, 3060683, Douglass Township, **Berks County** on July 28, 2008, for the operation of facilities approved under Construction Permit No. 0607510.

Operations Permit issued to **Dover Township**, 7670073, Dover Township, **York County** on August 1, 2008, for the operation of facilities approved under Construction Permit No. 6707508 MA.

Operations Permit issued to **Grier School**, 4310022, Warriors Mark Township, **Huntingdon County** on July 31, 2008, for the operation of facilities approved under Construction Permit No. 3108501 E.

Operations Permit issued to **Hillandale Gettysburg, LP**, 7011004, Tyrone Township, **Adams County** on July 21, 2008, for the operation of facilities approved under Construction Permit No. 0108504.

Operations Permit issued to **Asbury Pointe Water & Sewer County, LLC**, 7670137, East Manchester Township, **York County** on August 1, 2008, for the operation of facilities approved under Construction Permit No. 7670137.

Operations Permit issued to **Bendersville Borough**, 7010002, Bendersville Borough, **Adams County** on April

14, 2008, for the operation of facilities approved under Construction Permit No. 0107513 MA.

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

Permit No. Minor Amendment—Operation, Public Water Supply.

Applicant **Jersey Shore Area Joint Water Authority**
Township or Borough Porter Township
County **Lycoming**
Responsible Official Michael C. Zellers
Jersey Shore Area Joint Water Authority
220 South Main Street
Jersey Shore, PA 17740
Type of Facility Public Water Supply—Operation
Consulting Engineer N/A
Permit Issued Date July 30, 2008
Description of Action Operation of the distribution system finished water storage tank.

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

Operations Permit issued to **Hidden Valley Utility Service, LP**, 1 Craighead Drive, Hidden Valley, PA 15502, (PWSID No. 4560049) Jefferson Township, **Somerset County** on July 24, 2008, for the operation of facilities approved under Construction Permit No. 5608502.

Operations Permit issued to **Gray Area Water Authority**, P. O. Box 118, Gray, PA 15544, (PWSID No. 4560036) Jenner Township, **Somerset County** on July 24, 2008, for the operation of facilities approved under Construction Permit No. 5694502A1.

Permit No. 3008502MA, Minor Amendment, Public Water Supply.

Applicant **Mt. Morris Water & Sewer Authority**
P. O. Box 340
Mt. Morris, PA 15349
Borough or Township Perry Township
County **Greene**
Type of Facility Transmission main
Consulting Engineer Fayette Engineering Company, Inc.
2200 University Drive
P. O. Box 1030
Uniontown, PA 15401-1030
Permit to Construct July 28, 2008
Issued

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

Operations Permit issued to **Aqua PA, Inc., Aqua PA Shenango Valley WTP**, PWSID No. 6430054, City of Farrell, **Mercer County**. Operations Permit, issued August 5, 2008, for renovations and painting of the existing 4,680,000 gallon steel storage tank, known as "Carnegie

View Steel Reservoir," according to specifications approved by construction permit 4300503-T1-MA2, issued March 12, 2008.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Spruce Creek Township	5337 Sunny Glen Lane Spruce Creek, PA 16683	Huntingdon County

Plan Description: The approved plan provides for the construction of 12 single-family homes, five cabins and one clubhouse. The 12 individual homes will be served by one single large volume onlot sewer system. The five cabins and clubhouse will be served by individual onlot sewer systems. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

Plan Location: on the northwest side of Otterbein Church Road, 1,000 feet southwest of Paxton Run Road.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Lurgan Township	8650 McClays Mill Road Newburg, PA 17240	Franklin County

Plan Description: The approved plan, in the name of Ivan Zimmerman, provides for two Small Flow Treatment Facilities to serve two residential dwellings, each with sewage flows of 400 gpd. The project is located on the northwest side of Newburg Road at its intersection with Otterbein School Road. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the owner.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Newberry Township	1915 Old Trail Road Etters, PA 17319	York County

Plan Description: White Oak Interceptor, A3-67945-352-3m: The approved plan provides the replacement of the White Oak Pump Station with an 18 inch gravity interceptor that will serve approximately 5,236 EDU's. The proposed interceptor will begin at the White Oak Pump Station and travel along Fishing Creek, where it will ultimately tie into the recently constructed Fox Farm Interceptor, In Newberry Township, York County. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Conewago Township	3279 Old Hershey Road Elizabethtown, PA 17022	Dauphin County

Plan Description: The proposed Aberdeen Mills Subdivision, A3-22910-161-2 consists of a new residential lot served by an individual onlot disposal system and a Small Flow Treatment Facility. The plan was disapproved because the hydrogeologic study included in the planning module submission that was received by the Department of Environmental Protection indicated that the lot will pollute the groundwater of this Commonwealth in violation of The Clean Streams Law and Chapter 71, § 71.64(c)(1) requires that the lot be unsuitable for onlot sewage disposal before a Small Flow Treatment Facility can be used.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Hopewell Township	R. R. 1 Box 95 James Creek, PA 16657	Huntingdon County

Plan Description: The proposed Official Plan revision consisting of a 75-acre tract that currently has seven lots, two of the seven lots will be split into two lots each resulting in four new lots. The four lots are to use two Small Flow Treatment Facilities discharging to dry swales leading to a UNT Shy Beaver Creek.

The plan was disapproved for the following reasons:

1. The Operation and Maintenance agreement is not sufficient to assure the long term sewage needs of the subdivision.
2. Section H of the planning module was checked indicating a discharge to a dry swale. However, no easements to the point of first use or copies of certified letters and certified mail receipts by which you had notified all down stream property owners were enclosed.
3. The Project Narrative states the remaining lots in the subdivision will utilize conventional onlot sewage disposal systems, as approved by the Hopewell Township Sewage Enforcement Officer. Nothing in this module indicates that the other lots will be able to find suitable locations for onlot systems. In fact, the plot plan only shows locations of soil test pits (conducted by Mark Mills, your Soil Scientist) located on those lots that are unsuitable for onlot systems.
4. The soil test pits and percolations test conducted by the Township SEO are not shown on the plot plan.
5. The planning information fails to address any existing or proposed water supplies within 200 feet of either side of the dry drainage channel from point of discharge to point of First Use (POFU) and the potential impact on existing or proposed water supplies.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
North Hopewell Township	13081 High Point Road Felton, PA 17322	York County

Plan Description: Windy Brae Manor, A3-67947-160-3: The plan consists of a 70 lot single-family residential development (mobile home park expansion) on 40.69 acres with total estimated sewage flows of 5,264 gpd tributary to an existing onsite wastewater treatment plant that is privately owned. The proposed development is located on the east and west sides of Mt. Olivet Road, approximately 0.7 mile north of Plank Road in North Hopewell Township, York County. The plan was disapproved because information requested in the Department of Environmental Protection's incomplete letter for this project dated September 14, 2006, was not received within the required time frame for resubmission.

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.

318 West Lancaster Avenue Property, Lower Merion Township, **Montgomery County**. Charlene Drake, REPSG 6901 Kinsessing Avenue, Philadelphia, PA 19142 on behalf of has submitted a Final Report concerning remediation of site groundwater and soil contaminated with No. 2 fuel oil. 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.

Giorgianni Residence (Jeffers Road), Harford Township, **Susquehanna County**. Quad Three Group, Inc., Glenmaura Professional Center, 72 Glenmaura National Boulevard, Suite 105, Moosic, PA 18507, has submitted a Final Report (on behalf of their client, Emily Giorgianni, R. R. 1, Box 6, Kingsley, PA 18826), concerning the remediation of soils and groundwater found to have been impacted with petroleum constituents from a release of No. 2 fuel oil. The report was submitted in order to document attainment of the Statewide Health Standard for both matrixes. The notification of the submission of the Final Report was published in the *Susquehanna County Transcript* on July 16, 2008.

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

State Street Plaza, Lemoyne Borough, **Cumberland County**. Herbert, Rowland & Grubic, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of State Street Plaza Associates, LP, 30 Marianne Drive, York, PA 17402, submitted a remedial investigation, risk assessment, cleanup plan and Final Report concerning remediation of site soils contaminated with heating oil and gasoline released from unregulated underground storage tanks. The reports are intended to document remediation of the site to the Site-Specific Standard.

GF Capital—901 North 7th Street, Harrisburg City, **Dauphin County**. RT Environmental Services, Inc., Pureland Complex, Suite 306, 510 Heron Drive, Bridgeport, NJ 08014, on behalf of GF Capital Real Estate Investment VI, LP, 767 Fifth Avenue, 46th Floor, New York, NY 10153, submitted a Final Report concerning remediation of site soils and groundwater contaminated by kerosene. The report is intended to document remediation of the site to the Residential Statewide Health Standard.

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

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 Final Report concerning remediation of site soil and groundwater contaminated with petroleum constituents and chlorinated compounds. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Shamokin Former MGP Site, City of Shamokin, **Northumberland County**. The Mahfood Group, LLC, 260 Miller Run Road, Bridgeville, PA 15017 on behalf of PPL Gas Utilities Corp., 2 North 9th Street, (GENTW17), Allentown, PA 18101-1179 has submitted a Remedial Investigation Report concerning remediation of site soil

and groundwater contaminated with PAHs, benzene, toluene, ethylbenzene and xylenes. 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 Kenny's Restaurant and Lounge, Palmer Township, **Wayne County**. John Ross, P.E., EarthRes Group, Inc., P.O. Box 468, Pipersville, PA 18947 submitted a Final Report (on behalf of his client, The Dime Bank, 820 Church Street, Honesdale, PA 18431), concerning the remediation of soils found to have been contaminated with petroleum related compounds as the result of a release from an overturned underground storage tank containing No. 2 heating oil during demolition activities. The report demonstrated attainment of the Residential Statewide Health Standard for soils and was approved on July 31, 2008.

Former Poseidon Pools, Wright Township, **Luzerne County**. Charlotte Spak, Quad Three Group, Inc., Glenmaura Professional Center, Suite 105, 72 Glenmaura Boulevard, Moosic, PA 18507 submitted a Final Report (on behalf of her client, The Greater Wilkes-Barre Industrial Fund, Inc., 2 Public Square, Wilkes-Barre, PA 18702), concerning the remediation of soil contamination from releases and spillage from former underground storage tanks and above ground storage tanks containing various petroleum related products and inorganics from former site operations. The report documented attainment of the Residential Statewide Health Standard for soil and was approved on July 31, 2008.

Nagle Residence, Deer Lake Borough, **Schuylkill County**. Joseph Diamadi, Jr., P. G., Marshall Geoscience, Inc., 170 East First Avenue, Collegeville, PA 19426 submitted a Final Report and an addendum (on behalf of his client, Melba Nagle, 1591 Center Turnpike, Orwigsburg, PA 17961), concerning the remediation of soils found to have been impacted by heating oil as the result of an overfill and subsequent failure in the vent pipe. The report demonstrated attainment of the Residential Statewide Health Standard for soils and was approved on August 1, 2008. The report was originally submitted within 90 days of the release.

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.

US Steel Fairless Works 73.86 KIPC, Falls Township, **Bucks County**. Colleen Costello, Langan Engineering and Environmental Services, 30 South 17th Street, Suite 1300, Philadelphia, PA 19103 on behalf of Jeffery Smith, Langan Engineering and Environmental Services, 30 South 17th Street, Suite 1300, Philadelphia, PA 19103 has submitted a Cleanup Plan, Remedial Investigation and Final Report concerning the remediation of site soil contaminated with chlorinated solvents. The Cleanup Plan, Remedial Investigation and Final Report were approved by the Department of Environmental Protection on July 24, 2008.

7401 Sate Road Site, City of Philadelphia **Philadelphia County**. Scott Alderfer, Penn Environmental & Remediation, Inc., 2755 Bergery Road, Hatfield, PA 19440 on behalf of William Nolan, State Road Storage, LP, 4541 Bellarie Drive, South Suite 100, Fort Worth, TX 76109 has submitted a Final Report concerning the remediation of site groundwater contaminated with PAHs and chlorinated solvents. The Final Report did not demonstrate attainment of the Statewide Health Standard and Site-Specific Standard and was placed on hold by the Department of Environmental Protection on July 25, 2008.

Hymm, Inc. Property, Concord Township, **Delaware County**. Tony Chem., Hymm, Inc., 23 Brook Lane, Chadds Ford, PA 19317 on behalf of has submitted a

Final Report concerning the remediation of site soil and groundwater contaminated with unleaded gasoline. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department of Environmental Protection on July 17, 2008.

Alexs Auto Repairs, Southampton Township **Bucks County**. Alan Hirschfeld, Independent Project Consultation, P. G., 219 Laureen Road, Schwenksville, PA 19473 on behalf of John Gonzales, Law Office of John J. Gonzales, P.C., 1200 Bustleton Pike, Feasterville, PA 19053 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with other organics. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on July 11, 2008.

Wyeth Labs, West Chester Borough, **Chester County**. Daniel P. Sheehan, Malcolm Pirnie, Inc., 824 Market Street, Suite 820, Wilmington, DE 19801 on behalf of Robert H. Taggart, Wyeth, 5 Giralda Farms, Madison, NJ 07940 has submitted a Remedial Investigation/Cleanup Plan concerning the remediation of site groundwater contaminated with chlorinated solvents. The Remedial Investigation and/Cleanup Plan was disapproved by the Department of Environmental Protection on July 28, 2008

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

Former Kenny's Restaurant and Lounge, Palmer Township, **Wayne County**. John Ross, P. E., EarthRes Group, Inc., P. O. Box 468, Pipersville, PA 18947 submitted a Final Report (on behalf of his client, The Dime Bank, 820 Church Street, Honesdale, PA 18431), concerning the remediation of soils found to have been contaminated with petroleum related compounds as the result of a release from an overturned underground storage tank containing No. 2 heating oil during demolition activities. The report demonstrated attainment of the Residential Statewide Health Standard for soils and was approved on July 31, 2008.

Former Poseidon Pools, Wright Township, **Luzerne County**. Charlotte Spak, Quad Three Group, Inc., Glenmaura Professional Center, Suite 105, 72 Glenmaura Boulevard, Moosic, PA 18507 submitted a Final Report (on behalf of her client, The Greater Wilkes-Barre Industrial Fund, Inc., 2 Public Square, Wilkes-Barre, PA 18702), concerning the remediation of soil contamination from releases and spillage from former underground storage tanks and above ground storage tanks containing various petroleum related products and inorganics from former site operations. The report documented attainment of the Residential Statewide Health Standard for soil and was approved on July 31, 2008.

Nagle Residence, Deer Lake Borough, **Schuylkill County**. Joseph Diamadi, Jr., P. G., Marshall Geoscience, Inc., 170 East First Avenue, Collegetown, PA 19426 submitted a Final Report and an addendum (on behalf of his client, Melba Nagle, 1591 Center Turnpike, Orwigsburg, PA 17961), concerning the remediation of soils found to have been impacted by heating oil as the result of an overflow and subsequent failure in the vent pipe. The report demonstrated attainment of the Residential Statewide Health Standard for soils and was approved on August 1, 2008. The report was originally submitted within 90 days of the release.

Johnson Property (Seven Bridge Road at PA Route 209), Smithfield Township, **Monroe County**. Al-

ternative Environmental Solutions, Inc., 480 New Holland Avenue, Suite 8203, Lancaster, PA 17602 submitted a Final Report package (on behalf of their client, William and Nancy Johnson, Exit 309 off Route 80 on Route 209, East Stroudsburg, PA 18301), concerning the remediation of soils impacted with VOCs present in the soil from a preexisting repair facility. The report demonstrated attainment of the Statewide Health Standard for soils, relating the compounds analyzed and was approved on August 1, 2008.

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

Clay's Service Station/Former Exxon Station No. 2-3303, Mechanicsburg Borough, **Cumberland County**. Groundwater & Environmental Services, Inc., 400 Creamery Way, Suite 500, Exton, PA 19341, on behalf of James Clay, Clay's Service Center, 138 West Main Street, Mechanicsburg, PA 17055-6229 and Exxon Mobil Corporation, 7715 Crittenden Street, No. 309, Philadelphia, PA 19118-4421, submitted a Remedial Investigation Report, Risk Assessment and a Cleanup Plan concerning remediation of site soils and groundwater contaminated with BTEX. The reports and plan were approved by the Department of Environmental Protection on July 29, 2008. The site is being remediated to a combination of the Site-Specific and Statewide Health Standards.

Huntingdon Former MGP Site, Huntingdon Borough, **Huntingdon County**. Haley & Aldrich, 340 Granite Street, 3rd Floor, Manchester, NH 03102 on behalf of PPL Gas Utilities Corporation, 2 North Ninth Street (GENTW17), Allentown, PA 18101-1179, submitted a remedial investigation report and risk assessment report concerning remediation of site soils and groundwater contaminated with coal tar, PAHs and VOCs. The site is being remediated to Site-Specific Standards. The reports were approved by the Department of Environmental Protection on July 30, 2008.

Columbia Gas of Pennsylvania Service Center, Gettysburg Borough, **Adams County**. ENSR, 2 Technology Park Drive, Westford, MA 01866-3140, on behalf of Columbia Gas of Pennsylvania, 1020 North Hartley Street, York, PA 17404 and NiSource Corporate Services Company, 300 Frieberg Parkway, Westborough, MA 01581-3900, submitted a combined remedial investigation and Final Report concerning remediation of site soils and groundwater contaminated with coal tar and PAHs. The combined report demonstrated attainment of the Site-Specific Standard and was approved by the Department of Environmental Protection on August 1, 2008.

Former 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 Final Report did not demonstrate attainment of the Statewide Health Standard and was disapproved by the Department of Environmental Protection on August 4, 2008.

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

D. J. Franzen, Inc. I 80 MM190.5E Accident, Greene Township, **Clinton County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of D. J. Franzen, Inc., D. J. Franzen, Inc., 1200 Pleasant Hill Road, Pleasant Hill, IA 50327 has submitted a Final Report concerning remediation soil contaminated with

diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on July 15, 2008.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Draft Permit issued under the Solid Waste Management Act of July 7, 1980 (P. L. 380, No. 97) (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage, or Disposal Facility.

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.

Permit No. PAD003053758. Tecumseh Redevelopment, Inc. (formerly Bethlehem Steel Corporation), 4020 Kinross Lakes, Richfield, OH 44286. The draft post-closure permit for the Tecumseh Redevelopment, Inc. facility located along the east side of the Burger King parking lot on Maynard Street in the City of Williamsport, **Lycoming County** is being issued on August 5, 2008. The public comment period will begin August 16, 2008, and end on September 30, 2008.

Comments concerning the draft post-closure permit should be directed to David Garg, P. E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the draft post-closure permit should contact the Williamsport Regional Office, (570) 327-3740. TDD users should contact the Department of Environmental Protection through the Pennsylvania Relay Service, (800) 654-5984.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Permits issued, suspended, expired, denied, revoked, reinstated or returned 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.

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Correction—PA6213820503; Letterkenny Army Depot, 1 Overcash Avenue, Chambersburg, PA; Letterkenny, Greene and Hamilton Townships, **Franklin County.** Permit for the treatment of hazardous waste issued on August 5, 2008, (not July 25, 2008.)

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permits Issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Permit No. 100933. Alliance Sanitary Landfill, Alliance Sanitary Landfill, Inc., 398 South Keyser Avenue, Taylor, PA 18517. A Permit Renewal extending the existing permit until October 31, 2010, and authorizing the continued operation and construction of this municipal waste landfill located in Taylor Borough and Ransom

Township, **Lackawanna County.** The permit was issued by the Regional Office on July 29, 2008.

Permit Application No. 100265. Grand Central Sanitary Landfill, Grand Central Sanitary Landfill, Inc., 910 West Pennsylvania Avenue, Pen Argyl, PA 18072. A major permit modification-Southern Landfill Expansion approval, authorizing the expansion of the disposal area at this municipal waste landfill located in Plainfield Township, **Northampton County.** The approval expands the disposal area to 109.5 acres and adds 25 acres of new lined disposal area and 17.5 acres of lined disposal area over a closed portion of the unlined landfill. The total permitted acres will decrease from 516.55 acres to 477.02 acres. There will be no changes to the maximum daily volume of 3,000 tpd or the average daily volume of 2,750 tpd in this permit modification approval. The permit was issued by the Regional Office on August 1, 2008. The approval of this permit modification extends the operating permit expiration date by 10 years to August 1, 2018.

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) 826-2507.

48-310-075GP3: Haines & Kibblehouse (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on July 31, 2008, to construct and operate a Portable Crushing Operation with watersprays at their site at Northampton Crossings in Lower Nazareth Township, **Northampton County.**

48-310-074GP3: Brandenburg Industrial Service Co. (2217 Spillman Drive, Bethlehem, PA 18015) on July 31, 2008, to construct and operate a Portable Crushing Operation with watersprays at their site in Bethlehem, **Northampton County.**

48-301-049GP14: George G. Bensing Funeral Home, Inc. (2165 Community Drive, Village of Moorestown, Bath, PA 18014) on July 31, 2008, to install and operate a human remains crematory at their site in Moore Township, **Northampton County.**

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

GP3-36-05153: Richard E. Pierson Construction Co., Inc. (P. O. Box 430, Woodstown, NJ 08098-0430) on June 30, 2008, for Portable Nonmetallic Mineral Processing Plants under GP3 in West Donegal Township, **Lancaster County.**

GP11-36-05153: Richard E. Pierson Construction Co., Inc. (P. O. Box 430, Woodstown, NJ 08098-0430) on June 30, 2008, for Nonroad Engines under GP11 in West Donegal Township, **Lancaster County.**

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

GP5-18-05: NCL Natural Resources, LLC (25231 Grogan Mill Road, The Woodlands, TX 77380) on July 10, 2008, for the construction and operation of a 500 brake

horsepower natural gas-fired compressor engine 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 Eagleton Compressor Station in Beech Creek Township, **Clinton County**.

GP9-14-01A: Valley Enterprise Container, LLC (111 Eagleville Road, Blanchard, PA 16826) on July 17, 2008, for the construction and operation of 325 brake horsepower diesel engine and associated oxidation catalyst under the General Plan Approval and/or General Operating Permit for Diesel or No. 2 Fuel-Fired Internal Combustion Engines (BAQ-GPA/GP9) in Liberty Township, **Centre County**.

GP5-17-21B: Power Gas Marketing and Transmission (290 Executive Drive, Cranberry Township, PA 16066) on July 17, 2008, for the construction and operation of a 225 brake horsepower natural gas-fired compressor engine and associated catalytic converter under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at the Grampian Compressor Station in Penn Township, **Clearfield County**.

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

GP5-65-01000: Atlas Pipeline Pennsylvania, LLC (P. O. Box 611, 1550 Coraopolis Heights Road, Suite 2, Moon Township, PA 15108-2973) on July 30, 2008, to authorize use GP-5 to allow installation and operation of a natural gas production facility consisting of one Waukesha F18GL, lean-burn natural gas-fired engine, rated at 440 bhp and one Smith Industries dehydrator, rated at 125,000 Btu/hr, at the Salem Compressor Station in Salem Township, **Westmoreland County**.

GP14-65-01002: Valleyview Crematory (536 Market Street, Bolivar, PA 15923) on July 29, 2008, (GP-14) is effective to install and operate one modified Industrial Equipment & Engineering Model No. IE43 Power-Pak human remains crematory rated at 150 lbs. per hour in Bolivar Borough, **Westmoreland County**.

GP5-63-00936: Mark West Liberty Gas Gathering, LLC (1515 Arapahoe Street, Tower 2, Suite 700, Denver, CO 80202) on July 30, 2008, to install and operate a Tri-ethylene glycol Dehydration Unit, Reboiler, Waukesha Engine rated at 1,265 bhp-hr, Ajax 384 bhp-hr, seven 30,000 gallon pressurized storage tanks and a truck load-out at their Houston Gas Plant, Chartiers Township, **Washington County**.

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

GP-42-219A: Glenn O. Hawbaker, Inc.—Greenmans Site (15 Lower Grimes Road, Port Allegheny, PA 16743) on July 31, 2008, for a portable nonmetallic mineral processing plant (BAQ-GPA/GP-3) in Port Allegheny Borough, **McKean County**.

GP-42-219B: Glenn O. Hawbaker, Inc.—Greenmans Site (15 Lower Grimes Road, Port Allegheny, PA 16743) on July 31, 2008, for a diesel or No. 2 fuel fired internal combustion engine (BAQ-GPA/GP-9) in Port Allegheny Borough, **McKean County**.

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

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

09-0204: Biofuel Advanced Research and Development, LLC (Sinter Road, Fairless Hills, PA 19030) on July 31, 2008, to install and operate a biodiesel processing plant in Falls Township, **Bucks County**. **BARD** is in the business of producing biodiesel as an alternative fuel. A chemical process is employed to extract oil from soybeans and process the soybean oil for production as biodiesel. The pollutants of concern from the proposed operation include PM, hexane and methanol emissions. These emissions will have the potential to exceed Title V thresholds; however, the facility will utilize air pollution control devices to maintain emissions below major levels. The Plan Approval will contain recordkeeping and operating restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

23-0049: PPL Interstate Energy Co. (1111 Ridge Road, Linwood, PA 19061) on August 4, 2008, to reactivate three existing mainline fuel heaters at their Marcus Hook pump station facility in Lower Chichester Township, **Delaware County**. The facility is a non-Title V facility.

The mainline fuel heaters are currently permitted under State-only Operating Permit No. 23-00049. However, a plan approval is required to reactivate the mainline fuel heaters since they have each been out of operation for more than 1 year without a maintenance plan, under 25 Pa. Code § 127.11a.

Based on the existing combined fuel usage restriction for the mainline fuel heaters in the State-only Operating Permit, the potentials to emit SO_x and NO_x will not exceed the major facility thresholds of 100 and 25 tpy, respectively. The plan approval will contain monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements, including the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12.

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

48-322-006: Grand Central Sanitary Landfill, Inc. (910 West Pennsylvania Avenue, Pen Argyl, PA 18072) on August 4, 2008, to construct a landfill expansion (known as the southern expansion) at the previously approved municipal solid waste landfill with an active gas collection system with three existing enclosed landfill gas flares for methane gas collection in Plainfield Township, **Northampton County**.

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

36-05119C: Signature Custom Cabinetry, Inc. (434 Springville Road, Ephrata, PA 17522-9610) on July 29, 2008, for a coating spray booth at Ephrata Township, **Lancaster County**.

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

08-0003F: CraftMaster Manufacturing, Inc. (P. O. Box 311, Towanda, PA 18848) on July 29, 2008, for the installation of two regenerative thermal oxidizers: one to control the air contaminant emissions from the existing line I pressurized refiners and first stage dryers and one to control the air contaminant emissions from the existing line II pressurized refiners and first stage dryers at the Towanda plant in Wysox Township, **Bradford County**.

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

16-094B: IA Construction—Clarion Plant (19000 Paint Boulevard (Route 66), Shippensburg, PA 16254) on July 30, 2008, to modify a plan approval to burn alternative fuels including No. 2, No. 4—6, reprocessed/recycled fuel oil, bio-diesel fuel, methane/landfill gas, natural gas, liquid propane or any blend of Nos. 2, No. 4—6, reprocessed/recycled fuel oil and bio-diesel fuel at the Clarion plant in Paint Township, **Clarion County**.

61-204E: Franklin Bronze & Alloy Co., Inc. (655 Grant Street, Franklin, PA 16323) on July 30, 2008, for a minor modification of Plan Approval 61-204D to add another source, a shot blast unit and to include the drop-out boxes as part of the dust collection system at their facility in the City of Franklin, **Venango 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.

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

18-315-001: First Quality Tissue, LLC (904 Woods Avenue, Lock Haven, PA 17745) on July 30, 2008, to extend the deadline for the performance of PM, NOx, CO and VOC stack testing on a paper machine (paper machine No. 2) to October 31, 2008, in Castanea Township, **Clinton County**.

49-317-002A: Sensenig Milling Services, Inc. (10705 SR 44, Watsontown, PA 17777) on July 25, 2008, to extend the authorization to operate a natural gas-fired rotary bakery waste dryer and associated air cleaning devices (a cyclone collector and a fabric collector operating in series) on a temporary basis to January 21, 2009, in Lewis Township, **Northumberland County**.

08-313-038H: OSRAM Sylvania Products, Inc. (Hawes Street, North Towanda, PA 18848) on July 31, 2008, to extend the authorization to temporarily operate an International Furnace Company, Inc. multiple hearth furnace (MHF) and associated material handling equipment and cartridge collector and final filter to control the emissions from the MHF at their Towanda facility in the North Towanda Township, **Bradford County** until December 8, 2008. The plan approval has been extended.

53-00005C: Dominion Transmission, Inc. (445 West Main Street, Clarksburg, WV 26301) on July 21, 2008, to extend the authorization to operate fugitive VOC-emitting sources at a gas compressor station (Greenlick Compressor Station) on a temporary basis to January 17, 2009, in Stewardson Township, **Potter County**.

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

37-257A: Mohawk Area School District (P. O. Box 25, Bessemer, PA 16112) on May 31, 2008, to increase the sulfur content of coal combusted in the two cofired boilers in the air cleaning device of the Mohawk Area School District, Elementary School in Bessemer, **Lawrence County**.

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

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

46-00039: Exelon Generation Co.—Moser Generating Station (Moser and Yost Streets, Pottstown, PA 19464) on August 1, 2008, to operate an electrical power peak generating station in Lower Pottsgrove Township, **Montgomery County**. As a result of potential emissions of NOx and SOx, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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

67-05005: PPL Brunner Island, LLC (2 North 9th Street, Allentown, PA 18101-1139) on July 31, 2008, to operate their Brunner Island Steam Electric Station in East Manchester Township, **York County**. This Title V operating permit was administratively amended to incorporate plan approval No. 67-05005C. This is Revision No. 1.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104, Thomas Huynh, Chief, (215) 685-9476.

V07-003: Naval Foundry and Propeller Center (Building 592—Code 1423, Philadelphia, PA 19112) for operation of a cement mixing, metal melting, metal stress relieving and metal grit blasting facility as per foundry operations and for the operation of a machining, degreasing, painting and blasting of metal parts facility as per the machine shop in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include sand mixing, 14 electric induction furnaces, sand conveying operations, laser welding, blasting, metal grinding, sawing, 17 combustion units each rated at 20 mmBtu/hr or less, propeller cleaning, paint spraying and film developing. The facility's air emission control devices include baghouses, dust collectors and particulate recovery.

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

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

15-00018: Wyeth Pharmaceuticals (31 Morehall Road, Frazer, PA 19355) on August 1, 2008, to operate a pharmaceutical manufacturing plant in East Whiteland

Township, **Chester County**. The permit is for a non-Title V (State-only) facility. The facility has elected to cap NOx emissions to less than major threshold (less than 25 tpy); the facility is a Synthetic Minor. The renewal permit will include monitoring, recordkeeping and reporting requirements designed to keep the plant operating within all applicable air quality requirements.

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

35-00020: Master Halco, Inc. (1000 North South Road, Scranton, PA 18504) on July 30, 2008, to issue a State-only (Natural Minor) Operating Permit incorporating the requirements of operating permits 35-318-092 and 35-323-022, for operation of galvanizing and wire drawing processes at their facility in the City of Scranton, **Lackawanna County**.

48-00049: FedChem, LLC (275 Keystone Drive, Bethlehem, PA 18020-9464) on July 30, 2008, to issue a State-only (Natural Minor) Operating Permit incorporating the requirements of operating permit 48-313-060A, for operation of chemical reactors at their facility in Lower Nazareth Township, **Northampton County**.

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

21-05037: Union Quarries, Inc. (P. O. Box 686, Carlisle, PA 17013-0686) on August 1, 2008, to operate a batch asphalt plant and a stone crushing plant at their facility in South Middleton Township, **Cumberland County**. This is a renewal of the State-only operating permit.

38-03028: Brentwood Industries, Inc. (2101 Lehman Street, Lebanon, PA 17046-2757) on July 29, 2008, to operate two PVC extrusion lines in West Lebanon Township, **Lebanon County**. This is a renewal of the State-only operating permit.

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

47-00010: Kurt Weiss Danville, LLC (233 PPL Road, Danville, PA 17821) on July 8, 2008, for the operation of a greenhouse facility in Anthony and Derry Townships, **Montour County**.

59-00017: Hitachi Metals Automotive Components USA, LLC (P. O. Box 68, Blossburg, PA 16912) on July 15, 2008, for the operation of an automotive parts iron foundry facility in Lawrence Township, **Tioga County**.

41-00006: High Steel Structures, Inc. (1853 William Penn Way, Lancaster, PA 17605) on July 22, 2008, for the operation of a steel bridge support beam and concrete parking deck section manufacturing facility in the City of Williamsport, **Lycoming County**.

14-00019: John B. Brown Funeral Home, Inc. (2401 South Atherton Street, State College, PA 16801) on July 31, 2008, for the operation of a human remains crematory facility (Koch Funeral Home) in College Township, **Centre County**.

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

10-00281: II VI Inc. (375 Saxonburg Boulevard, Saxonburg, PA 16056-9430) on July 25, 2008, to issue a Synthetic Minor Operating Permit to operate a facility that manufactures optical instruments, lenses, electro-

optical products and radiation detection devices from gamma ray to infrared wavelengths in Clinton Township, **Butler County**. The facility's primary emission sources include a batch vapor degreaser, chemical vapor deposition units, hydrogen selenide gas production, thin film materials production, an isopropyl alcohol vapor degreaser and eight diesel emergency generators.

43-00343: Woodcraft Industries, Inc. (62 Grant Road, Greenville, PA 16125) on July 29, 2008, to issue a Natural Minor Operating Permit for the operation of the facility's air contamination source consisting of: a 14.3 mmBtu/hr wood-fired boiler, a wood predryer, five wood kilns and wood working operation (sawing, grinding, planning, and the like) for the manufacturing of hardwood components in Pymatuning Township, **Mercer County**.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104, Edward Braun, Chief, (215) 685-9476.

N08-001: WuXi AppTec, Inc. (4751 League Island Boulevard, Philadelphia, PA 19112) on August 1, 2008, to operate a biopharmaceutical facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two 8.165 mmBtu/hr Cleaver-Brooks boilers, 11 McQuay air handling units, one 1,000 Kw emergency generator and small bench-scale equipment, fume hoods and bio-safety cabinets.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

09-00128.: East Coast Sign Advertising (5058 Route 13 North, Bristol, PA 19007) on July 30, 2008, to require monitoring and recordkeeping of the "hours of operation per job" for the three spray paint booths for their facility in Bristol Township, **Bucks County**. East Coast Sign Advertising Co. is primarily engaged in the manufacture, installation and maintenance of neon, metal and plastic signs and facades for commercial clients. The modified SOOP includes monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements. Minor modification of SOOP No. 09-00128 is issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.462.

15-00031: Henry Co. (336 Cold Stream Road, Kimberton, PA 19442) on July 31, 2008, to manufacture protective asphalt coatings and to operate numerous mixing tanks, storage tanks and various process piping in East Pikeland Township, **Chester County**. The facility is major for VOCs emissions. Administrative Amendment of Title V Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450. The amendment incorporates terms and conditions from Plan Approval No. 15-0031A, which allows for the installation of an odor control system (C07) at the plant. The installation does not result in an increase in emissions. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility within all applicable air quality requirements.

15-00115: QVC, Inc. (1200 Wilson Drive, West Chester, PA 19380) on August 4, 2008, for a non-Title V facility

located in West Goshen Township, **Chester County**. The revision comprises a minor modification, under 25 Pa. Code § 127.462, in Synthetic Minor Operating Permit No. 15-00115 to include a de minimis increase in NOx emissions of 1 ton per 12-month rolling period with a corresponding increase in fuel limits from 40,009 to 46,009 gallons per 12-month rolling period for the combination of four emergency generators. The de minimis increase is authorized by 25 Pa. Code § 127.449 and Operating Permit 15-00115. The Work Practice requirements in SMOP 15-00115 are also modified to allow use of the four generators in an interruptible load for reliability agreement with PECO Energy with related monitoring and recordkeeping conditions. The permit contains monitoring and recordkeeping requirements designed to keep the facility operating within all applicable air quality requirements.

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

21-05030: Ahlstrom Filtration, LLC (122 West Butler Street, Mount Holly Springs, PA 17065-1218) on July 31, 2008, for operation of their specialty paper manufacturing plant in Mount Holly Springs, **Cumberland County**. This State-only operating permit was administratively amended due to a transfer of ownership. This is Revision No. 1.

67-03083: Utz Quality Foods, Inc. (900 High Street, Hanover, PA 17331-1639) on July 31, 2008, to operate their snack food manufacturing facility in Hanover Borough, **York County**. This State-only operating permit was administratively amended to incorporate plan approval No. 67-03083B. This is Revision No. 2.

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

17-00023: Rosebud Mining Co. (301 Market Street, Kittanning, PA 16201) on July 31, 2008, in accordance with the administrative amendment requirements of 25 Pa. Code § 127.450, to transfer an operating permit for the operation of a coal processing facility (Bigler Preparation Plant) from Mill Creek Mining Company (owner) and Energy Resources, Inc. (operator) to Rosebud Mining Company in Bradford Township, **Clearfield County**.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

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

04-00497: Tegrant Corp. (800 Fifth Avenue, New Brighton, PA 15066). De Minimis emissions increase of one ton VOC per year resulting from the installation of a Kurtz 1014 foam molding press on or about July 30, 2008, at the Block Run Road facility located in New Brighton, **Beaver County**. This is a Title V facility.

Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.431 and 127.461.

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

15-00033: Department of Public Works—Embreeville Complex (1822 Strasburg Road, Coatesville, PA 19320-4801) on August 4, 2008, for the generation of following ERCs: from Source 034: 7.86 tons of NOx, 1.96 tons of CO and 11.29 tons of SOx (all expiring on February 13, 2015); and from Sources 036 and 037: 7.61 tons of NOx; 1.59 tons of CO; and 6.51 tons of SOx (all expiring on November 12, 2017). These ERC are the result of the permanent shutdown of three No. 2 fuel oil fired boilers at their facility in West Bradford Township, **Chester County**.

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

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

NPDES Permit No. PA0249343. Robindale Energy Services, Inc., 224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920, renewal of NPDES permit for a postmining water treatment permit in Shade Township, **Somerset County**, affecting 106.5 acres. Receiving streams: Miller Run to Dark Shade Creek to Stony Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 28, 2008. Permit issued July 29, 2008.

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

03020112 and NPDES Permit No. PA0250325. Thomas J. Smith, Inc. (2340 Smith Road, Shelocta, PA 15774). Permit renewal issued for continued operation and reclamation of a bituminous surface mining site located in South Bend Township, **Armstrong County**, affecting 49.5 acres. Receiving streams: Craig Run to Crooked Creek and Crooked Creek to Allegheny River. Application received April 29, 2008. Renewal issued July 25, 2008.

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

24970104 and NPDES Permit No. PA0227552. TDK Coal Sales, Incorporated. (P. O. Box 259, Brockway, PA 15824) Renewal of an existing bituminous strip, auger, clay and shale removal operation in Jay Township, **Elk County** affecting 294.5 acres. Receiving streams: Wolf

Lick Run, UNTs to Spring Run and Spring Run. Application received March 25, 2008. Permit issued July 29, 2008.

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

17070110 and NPDES No. PA0256561. Waroquier Coal Company (P. O. Box 128, Clearfield, PA 16830), commencement, operation and restoration of a bituminous surface mine in Lawrence Township, **Clearfield County**, affecting 9.0 acres. Receiving stream: UNTs to Montgomery Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 10, 2007. Permit issued July 29, 2008.

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

54060101C. Blaschak Coal Corp., (P. O. Box 12, Mahanoy City, PA 17948), correction to an existing anthracite surface mine operation to increase the permitted acres from 1,039.8 to 1,043.2 acres in Mahanoy Township, **Schuylkill County**, receiving stream: none. Application received October 2, 2006. Correction issued July 29, 2008.

54683043C10. Jeddo-Highland Coal Company, (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), correction to an existing anthracite surface mine to add coal refuse reprocess in Mahanoy Township, **Schuylkill County** affecting 1,328.0 acres, receiving stream: none. Application received December 6, 2007. Correction issued July 30, 2008.

Noncoal Permits Actions

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

04072801. Phoenix Services, LLC (P. O. Box 659, Unionville, PA 19375). Permit issued for commencement, operation and reclamation of a small industrial minerals surface mining site located in Midland Borough, **Beaver County**, affecting 4.46 acres. Receiving streams: There is no direct site drainage courses—site is adjacent to the Ohio River. Application received November 1, 2007. Permit issued July 30, 2008.

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

58082806. Timber Lane Stone, Inc., (1903 Timber Lane, Clarks Summit, PA 18411), commencement, operation and restoration of a quarry operation in Harford Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received April 2, 2008. Permit issued August 4, 2008.

Abandoned Mine Reclamation

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

Bond Forfeiture	PBF 17803034.1
Contract Awarded	
Location	Beccaria Township Clearfield County
Description	Act 181, Bond Forfeiture Reclamation, Lyncroft Mine Cambria Mills Coal Co., Inc. Permit No. 17803034

Contractor	Larry D. Baumgardner Coal Co., Inc. P. O. Box 186 Lanse, PA 16849
Amount	\$850,597.00
Date of Award	August 4, 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.

21084144. M & J Explosives, Inc., P. O. Box 608, Carlisle, PA 17013-0608, blasting activity permit issued for interceptor line development in Monroe Township, **Cumberland County**. Blasting activity permit end date is July 31, 2009. Permit issued July 23, 2008.

21084143. D. C. Guelich Explosives Company, R. R. 3, Box 125A, Clearfield, PA 16830, blasting activity permit issued for highway/road development in Lower Allen Township, **Cumberland County**. Blasting activity permit end date is June 30, 2009. Permit issued July 23, 2008.

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

63084006. KESCO, Inc. (P. O. Box 95, Adrian, PA 16210). Blasting activity permit for construction of Cameron Estates, located in South Strabane Township, **Washington County**, with an expected duration 90 days. Permit issued August 1, 2008.

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

08084001. KESCO, Inc. (P. O. Box 95, Adrian, PA 16210-0095), blasting for a borrow pit located in Canton Township, **Bradford County**. Permit issued July 29, 2008. Permit expires January 17, 2009.

53084004. Appalachian Geophysical Services, LLC (2659 SR 60, P. O. Box 426, Killbuck, OH 44637-0426), blasting for seismic data acquisition, Ln No. 37105-172-08 located in Summit and East Fork Townships, **Bradford County**. Permit issued July 29, 2008. Permit expires December 31, 2008.

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

36084189. Keystone Blasting Service, (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting for Ironstone Mills Project in Upper Leacock Township, **Lancaster County** with an expiration date of July 30, 2009. Permit issued July 28, 2008.

36084190. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Zeager Road Utilities in West Donegal Township, **Lancaster County** with an expiration date of July 1, 2009. Permit issued July 28, 2008.

36084191. Keystone Blasting Service, (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting for Elm Tree Development in Rapho Township, **Lancaster County** with an expiration date of December 30, 2009. Permit issued July 28, 2008.

36094192. Keystone Blasting Service, (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting for Southern Village in Lancaster Township, **Lancaster County** with an expiration date of December 30, 2009. Permit issued July 29, 2008.

36084193. Keystone Blasting Service, (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting for Ironstone Mills in Upper Leacock Township, **Lancaster County** with an expiration date of August 30, 2008. Permit issued July 29, 2008.

51084002. Joao & Bradley Construction, (P. O. Box 20345, Lehigh Valley, PA 18002) and AJT Blasting, LLC, (P. O. Box 20412, Bethlehem, PA 18002), construction blasting at Bio No. 2159 Dearnley Park Area in the City of Philadelphia, **Philadelphia County** with an expiration date of August 1, 2009. Permit issued July 29, 2008.

58084001. Brainard Explosives, (R. R. 1, Box 275, Kingsley, PA 18826), construction blasting for Road Fill for Gas Well Operations in Auburn Township, **Susquehanna County** with an expiration date of December 31, 2008. Permit issued July 31, 2008.

22084110. Rock Work, Inc., (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Szeles Building in Susquehanna Township, **Dauphin County** with an expiration date of July 31, 2009. Permit issued July 31, 2008.

36084194. Keystone Blasting Service, (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting for Mill Pond Development in Manheim Township, **Lancaster County** with an expiration date of December 30, 2009. Permit issued July 31, 2008.

40084116. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Hazle Springs Development in Hazle Township, **Luzerne County** with an expiration date of July 1, 2009. Permit issued July 31, 2008.

40084117. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for sanitary sewer trench at Franzosa Trucking Co. in Foster Township, **Luzerne County** with an expiration date of July 24, 2009. Permit issued July 31, 2008.

45084133. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting at the Country Club of the Poconos in Middle Smithfield Township, **Monroe County** with an expiration date of July 31, 2009. Permit issued July 31, 2008.

45084134. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Route 209 Dairy Queen in Smithfield Township, **Monroe County** with an expiration date of July 31, 2009. Permit issued July 31, 2008.

45084135. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for New Ventures Park in Tobyhanna Township, **Monroe County** with an expiration date of July 31, 2009. Permit issued July 31, 2008.

45084136. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Penn Estates in Stroud and Pocono Townships, **Monroe County** with an expiration date of July 31, 2009. Permit issued July 31, 2008.

46084119. American Rock Mechanics, Inc., (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for General Hancock Hotel in Montgomery Township, **Montgomery County** with an expiration date of July 29, 2009. Permit issued July 31, 2008.

64084108. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Wal-lenpaupack Lake Estates in Paupack Township, **Wayne County** with an expiration date of July 31, 2009. Permit issued July 31, 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.

E35-409. Lackawanna County Commissioners, Lackawanna County Courthouse, 200 Adams Avenue, Scranton, PA 18503. Benton Township, North Abington Township, **Lackawanna County,** United States Army Corps of Engineers, Baltimore District.

To remove the existing structure and to construct and maintain a single-span steel half-through truss pedestrian bridge with a concrete deck, having a span of 97 feet and an underclearance of 16.5 feet, across South Branch Tunkhannock Creek (TSF) (Dalton, PA Quadrangle Latitude: 41° 33' 30"; Longitude: 75° 43' 08" in Benton and North Abington Townships, **Lackawanna County.**

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

E22-536: James R. Gingrich, Farr's Pump Station, Lower Swatara Municipal Authority, James R. Gingrich, 1499 Spring Garden Drive, Middletown, PA 17057, **Dauphin County,** United States Army Corps of Engineers, Baltimore District.

To install and maintain a vault structure for a grinder pump and to permit operator access to influent sewer flow and to expand an existing concrete wet well support platform located in the floodplain of the Swatara Creek (WWF). The project is located at 1301 Swatara Park Drive (Middletown, PA Quadrangle N: 15.9 inches; W: 13.7 inches, Latitude: 40° 12' 46"; Longitude: 76° 43' 20") in Swatara Township, Dauphin County. The purpose of the project is to upgrade the existing Farr's pump station.

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

E59-484. AES Armenia Mountain Wind, LLC, 4300 Wilson Boulevard, Arlington, VA 22203. Water Obstruction and Encroachment Joint Permit, Armenia Mountain Wind Project, in Richmond, Sullivan and Ward Townships, **Tioga County** and Armenia Township, **Bradford County,** United States Army Corp of Engineers, Baltimore District (Roseville, PA Quadrangle N: 41° 45' 33"; W: 76° 54' 43").

To construct, operate and maintain 124 wind turbines within the Tioga River Watershed (CWF and Exceptional Value Fisheries). Construction of the wind turbines, access road and transmission lines will require 27 stream and 12 wetland crossings as follows:

<i>Stream Name</i>	<i>Crossing Length (ft.)</i>		<i>Latitude</i>	<i>Longitude</i>
	<i>Wetlands</i>			
Corey Creek	364		41° 45' 2.538"	76° 56' 29.098"
Fellows Creek	847		41° 45' 2.900"	76° 55' 30.406"
Gaffers Creek	777		41° 45' 25.386"	76° 54' 27.411"
Tioga River	No impact		41° 44' 43.618"	76° 54' 13.761"
Tioga River	No impact		41° 45' 2.040"	76° 53' 52.187"
Tioga River	No impact		41° 46' 5.773"	76° 53' 2.174"
Tioga River	No impact		41° 44' 58.111"	76° 52' 32.318"
Morgan Creek	546		41° 46' 17.760"	76° 52' 16.019"
Morgan Creek	457		41° 46' 2.343"	76° 52' 18.312"
West Branch—Sugar Creek	5,046		41° 46' 13.996"	76° 51' 14.101"
Rathbone Creek	No impact		41° 43' 56.229"	76° 51' 22.301"
South Branch—Sugar Creek	No impact		41° 45' 2.334"	76° 50' 3.813"
<i>Streams</i>				
UNT Corey Creek	14		41° 44' 17.223"	76° 58' 44.012"
UNT Corey Creek	7		41° 44' 29.429"	76° 57' 42.472"
UNT Corey Creek	4		41° 44' 50.079"	76° 56' 40.181"
UNT Fellows Creek	5		41° 44' 28.436"	76° 55' 42.633"
UNT Fellows Creek	6		41° 44' 29.745"	76° 55' 41.400"
Fellows Creek	6.5		41° 44' 43.470"	76° 55' 36.127"
UNT Fellows Creek	5		41° 45' 3.074"	76° 55' 32.642"
UNT Fellows Creek	14		41° 45' 18.600"	76° 55' 4.903"
UNT Gaffers Creek	5		41° 45' 29.123"	76° 54' 44.402"
UNT Gaffers Creek	5		41° 45' 20.286"	76° 54' 37.292"
UNT Tioga River	5		41° 45' 2.855"	76° 54' 10.973"
UNT Tioga River	6		41° 45' 10.387"	76° 54' 13.408"
UNT Tioga River	6		41° 44' 58.149"	76° 53' 57.059"
UNT Tioga River	30		41° 45' 25.854"	76° 53' 40.323"
UNT Tioga River	3		41° 45' 24.582"	76° 53' 40.265"
UNT Tioga River	17		41° 45' 53.338"	76° 53' 8.047"
UNT Tioga River	13		41° 46' 6.266"	76° 53' 2.012"
UNT Gaffers Creek	1.5		41° 46' 18.876"	76° 52' 51.784"
UNT West Branch—Sugar Creek	14		41° 46' 13.469"	76° 51' 11.195"
UNT West Branch—Sugar Creek	No impact		41° 46' 13.079"	76° 50' 58.518"
UNT Webier Creek	10		41° 44' 53.837"	76° 51' 0.764"
UNT Rathbone Creek	3		41° 43' 47.348"	76° 51' 32.286"
UNT Webier Creek	4.5		41° 44' 24.121"	76° 50' 45.815"
UNT Webier Creek	3		41° 44' 30.389"	76° 50' 31.694"

<i>Stream Name</i>	<i>Crossing Length (ft.) Wetlands</i>	<i>Latitude</i>	<i>Longitude</i>
UNT Webier Creek	No impact	41° 44' 50.469"	76° 50' 36.783"
Fall Brook	7	41° 45' 35.065"	76° 50' 17.574"
UNT South Branch—Sugar Creek	15	41° 44' 55.949"	76° 49' 55.830"

The project will permanently impact 0.18 acre and temporarily impact 0.57 acre of jurisdictional wetlands and approximately 238 linear feet of waterway. The project is centered south of SR 0006 approximately 3 miles southeast of the Village of Mainesburg.

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
08-22-005	Milton S. Hershey Medical Center 600 Centerview Drive Hershey, PA 17033-0855 Attn: Terry L. Kreiser	Dauphin	Derry Township	1 AST storing Diesel Fuel	30,000 gallons

SPECIAL NOTICES

Certification to Perform Radon-Related Activities in Pennsylvania

In the month of July 2008, the Department of Environmental Protection, under the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the following persons to perform radon-related activities in this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Bruce Atkins	1341 North Delaware Avenue Suite 205 Philadelphia, PA 19125	Testing
Roger Baker	1564 Dry Hollow Road Warriors Mark, PA 16877	Testing
Michael Berman	25 East Langhorne Avenue Havertown, PA 19083	Testing
Anthony Burghezi	811 Green Valley Drive Philadelphia, PA 19128	Testing
Camelot Inspections	1050 Broad Street Montoursville, PA 17754	Testing
Brian Cessna	407 West Sample Street Ebensburg, PA 15931	Testing
Ralph D'Angelo	P. O. Box 1105 Havertown, PA 19083	Testing
William Dare	P. O. Box 75 Perkiomenville, PA 18074	Testing
Jonathan Ditzler URS Corporation	335 Commerce Drive Suite 300 Fort Washington, PA 19034	Testing
Joseph Donnelly	1341 North Delaware Avenue Suite 205 Philadelphia, PA 19125	Testing
David Grammer RAdata, Inc.	27 Ironia Road Unit 2 Flanders, NJ 07836	Mitigation

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
William Gushue	813 North Street Jim Thorpe, PA 18229	Testing
Travis Hoverter	452 Allen Drive Chambersburg, PA 17202	Testing
Neil Klein	702 Manchester Drive Maple Glen, PA 19002	Testing
Harry Lehman Delaware Valley Radon Technology, Inc.	P. O. Box 432 707 Bethlehem Pike Montgomeryville, PA 18936	Mitigation
Jason Lewis	3034 Penn Estates East Stroudsburg, PA 18301	Testing
Kenneth Lewis	1341 North Delaware Avenue Suite 205 Philadelphia, PA 19125	Testing
Wade Martin	12228 Scott Road Waynesboro, PA 17268	Mitigation
Karl Orwig	471 Hemlock Lane Nazareth, PA 18064	Testing
Steven Platz	4220 Carney Avenue Erie, PA 16510	Testing
Jeffrey Porte	1962 Wager Road Erie, PA 16509	Testing and Laboratory
Radon Testing Corporation of America	2 Hayes Street Elmsford, NY 10523	Laboratory
Michael Rhodes	6097 Route 15 South Selingsgrove, PA 17870	Testing
William Rowe, Jr.	420 Liberty Street West Pittston, PA 18643	Testing
Clarence Sisco Cape Atlantic, Inc.	P. O. Box 954 Blue Bell, PA 19422	Testing
Gary Walters	P. O. Box 40 Enola, PA 17025	Testing
Robert Wills	877 Williams Place Warminster, PA 18974	Testing
Robert Wilmoth Radon Management of Erie	3410 Ellsworth Avenue Erie, PA 16508	Mitigation

**Notice of Public Hearing for the Surface Water
Allocation Application
Submitted by Mason Dixon Utilities, Inc. in Adams
County**

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

The Department of Environmental Protection (Department) will hold a public hearing to accept comments on a surface water allocation application submitted by Mason Dixon Utilities, Inc. The hearing will be held on Wednesday, September 17, 2008, from 7 to 9 p.m. at the Greenmount Fire Hall, 3095 Emmitsburg Road, Gettysburg, PA 17325-7138.

At this hearing, the Department will receive testimony regarding the application by Mason Dixon Utilities, Inc. to withdraw a peak 30-day average of 255,000 gpd of water from Marsh Creek to use as a drinking water source for a proposed housing development in Freedom Township, **Adams County**. The Department will consider all comments in review of the application.

Anyone wishing to present up to 10-minutes of oral testimony is asked to preregister by calling Beverly

Witmer at (717) 705-4703 by close of business Friday, September 12th. Individuals in need of an accommodation as provided for in the Americans With Disabilities Act of 1990 should call that number or the Pennsylvania AT&T Relay Service at (800) 654-5984.

Written comments in lieu of oral testimony may be submitted to Deborah Boyer at Department's Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110 through close of business September 30.

Materials and supporting documents relating to the water allocation application may be inspected during regular business hours by contacting the file room at the Department's Southcentral Regional Office at (717) 705-4732

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

Swisher Contracting, Inc., GFCC No. 17-07-14, Lawrence Township, Clearfield County (Montgomery Run-Upper West Branch Watershed): A no-cost construction contract has been awarded to Swisher Contracting, Inc., that will result in the reclamation of 10.8

acres of abandoned mine lands including 800-feet of abandoned highwall and the recovery of remaining coal reserves. The site will be reclaimed and regraded to approximate original contour. Alkaline addition in the form of waste lime will be added to the site at a rate of 100 tons per acre as a Best Management Practice. The estimated value of the reclamation work is \$75,600, which will be done at no cost to the Commonwealth. The site is located approximately 1.5 miles north of Hyde on lands formerly mined and subsequently abandoned by the Shawville Coal Company in the 1950's. Blasting has also been approved as part of the reclamation activities.

[Pa.B. Doc. No. 08-1501. Filed for public inspection August 15, 2008, 9:00 a.m.]

Availability of Technical Guidance

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

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

Ordering Paper Copies of Department Technical Guidance

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

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

Changes to Technical Guidance Documents

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

Draft Technical Guidance—Substantive Revision

DEP ID: 563-2112-203 Title: Boundary Changes to Mining Permits. Description: This draft guidance substantially revises and renames technical guidance No. 563-2112-203: Insignificant Boundary Corrections for Surface Mining Activities (effective April 7, 1998). The former guidance pertained only to coal surface sites and described the Department's allowance for very small changes to boundaries of a permit area under specific conditions. Since the finalization of the previous guidance, the Department recognized the need to alter the guidance document to accommodate larger scope boundary changes in various types of permits, including both coal and noncoal mining permits. In addition to these changes, the document also includes procedures for the Department to follow to make reasonable changes to existing permits when boundaries are modified and clarifies provisions for public participation and outside agency review of boundary change requests. Written Comments: The Department

is seeking comments on the substantive revisions to draft technical guidance No. 563-2112-203. Interested persons may submit written comments on this guidance document by September 15, 2008. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to William Allen, Department of Environmental Protection, Bureau of Mining and Reclamation, Rachel Carson State Office Building, 5th Floor, P. O. Box 8461, Harrisburg, PA 17105-2454, wallen@state.pa.us. Contact: Questions regarding the draft technical guidance document should be directed to William Allen at (717) 783-9580, or wallen@state.pa.us. Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

JOSEPH R. POWERS,
Acting Secretary

[Pa.B. Doc. No. 08-1502. Filed for public inspection August 15, 2008, 9:00 a.m.]

Bid Opportunity

AMD 54(4124)102.1, Rauch Creek AMD Treatment Plant, Roof Repairs and Heat Pump Installation, Hegins Township, Schuylkill County. The principal items of work and approximate quantities include supplying and installing a Ductless Multi-Zone Indoor Air Quality (IAQ) Inverter Mini-Split Heat Pump System, supplying and installing EPDM Roofing System on approximately 5,000 square feet of Control Building, performing maintenance including replacing membrane flashing around roof penetrations and damaged perimeter edge on the Carlisle conventional single ply-loose laid ballast roof on the Belt Press Building. This project issues on August 15, 2008, and bids will be opened on September 11, 2008, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOSEPH R. POWERS,
Acting Secretary

[Pa.B. Doc. No. 08-1503. Filed for public inspection August 15, 2008, 9:00 a.m.]

Coal and Clay Mine Subsidence Insurance Board; Special Meeting Notice

A special meeting of the Coal and Clay Mine Subsidence Insurance Board has been scheduled for September 4, 2008, at 10 a.m. in the 8th Floor Conference Room of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting should be directed to Nicholle Harman at (888) 357-2674 or nharman@state.pa.us. The agenda and meeting materials will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at www.depweb.state.pa.us (DEP Keyword: Public Participation, Participate).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should

contact Nicholle Harman at (888) 357-2674 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOSEPH R. POWERS,
Acting Secretary

[Pa.B. Doc. No. 08-1504. Filed for public inspection August 15, 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) 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 (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 No. 392-0900-001) (see 36 Pa.B. 7999 (December 30, 2006)). The Policy called for a transparent system of credit reviews and approvals.

Trading is a market-based program that provides incentives for entities to create nutrient reduction credits by going beyond statutory, regulatory or voluntary obligations and goals by removing nutrients from a watershed. The credits can be traded to help others more cost-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 August 5, 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. 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 57 proposals that have been submitted for review to generate nutrient reduction credits in the Chesapeake Bay Watershed. Of those, 29 have been approved, 21 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.

<i>Proposal Applicant</i>	<i>Proposal Description</i>
1. Cumberland County Conservation District	Nitrogen and Phosphorus credits generated by the installation of animal waste systems.
2. Lancaster County Conservation District	Nitrogen credits generated by implementation of no-till and Nitrogen and Phosphorus credits generated by manure export.
3. Borough of Tyrone Wastewater Treatment Facility	Nitrogen and Phosphorus credits generated by existing treatment process.
4. Bradford County Conservation District	Nitrogen credits generated by implementation of no-till.

Certifications:

To date, there are no new certifications.

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. 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 web site at www.depweb.state.pa.us (DEP Keywords: "Nutrient Trading").

JOSEPH R. POWERS,
Acting Secretary

[Pa.B. Doc. No. 08-1505. Filed for public inspection August 15, 2008, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Bee Lucky 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 Bee Lucky.

2. *Price:* The price of a Pennsylvania Bee Lucky instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Bee Lucky instant lottery game ticket will contain one play area and one "PRIZE" area. The play symbols and their captions located in the play area are: Honey Comb symbol (COMB), Bee symbol (BEE), Sun symbol (SUN), Wish Bone symbol (WSHBN), Leaf symbol (LEAF), BZZZ symbol (SOUND), Horse Shoe symbol (SHOE), Lady Bug symbol (LADY), Clover symbol (CLOVER) and a Beehive symbol (BHIVE).

4. *Prize Symbols:* The prize symbols and their captions located in the "PRIZE" area are: FREE (TICKET), \$1^{.00} (ONE DOL), \$2^{.00} (TWO DOL), \$4^{.00} (FOR DOL), \$10^{.00} (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$100 (ONE HUN), \$400 (FOR HUN) and \$2,000 (TWO THO).

5. *Prizes:* The prizes that can be won in this game are: Free \$1 Ticket, \$1, \$2, \$4, \$10, \$20, \$40, \$100, \$400 and \$2,000.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 10,800,000 tickets will be printed for the Pennsylvania Bee Lucky instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with three matching Beehive (BHIVE) play symbols in the same row, column or

diagonal and a prize symbol of \$2,000 (TWO THO) appears in the "PRIZE" area, on a single ticket, shall be entitled to a prize of \$2,000.

(b) Holders of tickets with three matching Beehive (BHIVE) play symbols in the same row, column or diagonal and a prize symbol of \$400 (FOR HUN) appears in the "PRIZE" area, on a single ticket, shall be entitled to a prize of \$400.

(c) Holders of tickets with three matching Beehive (BHIVE) play symbols in the same row, column or diagonal and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area, on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets with three matching Beehive (BHIVE) play symbols in the same row, column or diagonal and a prize symbol of \$40\$ (FORTY) appears in the "PRIZE" area, on a single ticket, shall be entitled to a prize of \$40.

(e) Holders of tickets with three matching Beehive (BHIVE) play symbols in the same row, column or diagonal and a prize symbol of \$20\$ (TWENTY) appears in the "PRIZE" area, on a single ticket, shall be entitled to a prize of \$20.

(f) Holders of tickets with three matching Beehive (BHIVE) play symbols in the same row, column or diagonal and a prize symbol of \$10^{.00} (TEN DOL) appears in the "PRIZE" area, on a single ticket, shall be entitled to a prize of \$10.

(g) Holders of tickets with three matching Beehive (BHIVE) play symbols in the same row, column or diagonal and a prize symbol of \$4^{.00} (FOR DOL) appears in the "PRIZE" area, on a single ticket, shall be entitled to a prize of \$4.

(h) Holders of tickets with three matching Beehive (BHIVE) play symbols in the same row, column or diagonal and a prize symbol of \$2^{.00} (TWO DOL) appears in the "PRIZE" area, on a single ticket, shall be entitled to a prize of \$2.

(i) Holders of tickets with three matching Beehive (BHIVE) play symbols in the same row, column or diagonal and a prize symbol of \$1^{.00} (ONE DOL) appears in the "PRIZE" area, on a single ticket, shall be entitled to a prize of \$1.

(j) Holders of tickets with three matching Beehive (BHIVE) play symbols in the same row, column or diagonal and a prize symbol of FREE (TICKET) appears in the "PRIZE" area, on a single ticket, shall be entitled to a prize of one Pennsylvania Bee Lucky instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

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:

Get Three "BHIVE" Symbols
In A Row, Column Or
Diagonal Win With Prize(s)
Of:

FREE
\$1
\$2
\$4
\$10
\$20

Win
FREE \$1 TICKET
\$1
\$2
\$4
\$10
\$20

*Approximate
Odds Are 1 In:*
13.04
33.33
20
30
100
300

*Approximate No.
of Winners Per
10,800,000 Tickets*
828,000
324,000
540,000
360,000
108,000
36,000

Get Three "BHIVE" Symbols
In A Row, Column Or
Diagonal Win With Prize(s)
Of:

	Win	Approximate Odds Are 1 In:	Approximate No. of Winners Per 10,800,000 Tickets
\$40	\$40	600	18,000
\$100	\$100	2,400	4,500
\$400	\$400	15,000	720
\$2,000	\$2,000	120,000	90

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 Bee Lucky 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 Bee Lucky, prize money from winning Pennsylvania Bee Lucky 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 Bee Lucky instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Bee Lucky or through normal communications methods.

THOMAS W. WOLF,
Secretary

[Pa.B. Doc. No. 08-1506. Filed for public inspection August 15, 2008, 9:00 a.m.]

Pennsylvania Ruby 7s/Emerald 8s 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 Ruby 7s/Emerald 8s. There are two versions of the game. The play method for each version is identical. The name appearing on the tickets will be either Pennsylvania Ruby 7s or Pennsylvania Emerald 8s on a consecutive basis.

2. *Price:* The price of a Pennsylvania Ruby 7s/Emerald 8s instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Ruby 7s/Emerald 8s instant lottery game ticket will contain 12 play areas known as "GAME 1," "GAME 2," "GAME 3," "GAME 4," "GAME 5," "GAME 6," "GAME 7," "GAME 8," "GAME 9,"

"GAME 10," "GAME 11" and "GAME 12." Each "GAME" is played separately. Each "GAME" features a play area and a "Prize" area. The play symbols and their captions printed in black ink, located in the play areas for Pennsylvania Ruby 7s are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR) and 7 (BLK7). The play symbols and their captions printed in red ink, located in the play areas for Pennsylvania Ruby 7s are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR) and 7 (RED7). The play symbols and their captions printed in black ink, located in the play areas for Pennsylvania Emerald 8s are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR) and 8 (BLK8). The play symbols and their captions printed in green ink, located in the play areas for Pennsylvania Emerald 8s are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR) and 8 (GRN8).

4. *Prize Symbols:* The prize symbols and their captions located in the "Prize" area of each "GAME" are: \$5⁰⁰ (FIV DOL), \$7⁰⁰ (SVN DOL), \$8⁰⁰ (EGT DOL), \$10⁰⁰ (TEN DOL), \$14\$ (FORTN), \$16\$ (SIXTN), \$20\$ (TWENTY), \$40\$ (FORTY), \$50\$ (FIFTY), \$70\$ (SEVENTY), \$80\$ (EIGHTY), \$100 (ONE HUN), \$700 (SVN HUN), \$800 (EGT HUN), \$7,000 (SVN THO), \$8,000 (EGT THO), \$10,000 (TEN THO) and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$7, \$8, \$10, \$14, \$16, \$20, \$40, \$50, \$70, \$80, \$100, \$700, \$800, \$7,000, \$8,000, \$10,000 and \$100,000. A player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 14,400,000 tickets will be printed for the Pennsylvania Ruby 7s/Emerald 8s instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with two like play symbols in the same "GAME," and a prize symbol of \$100,000 (ONEHUNTHO) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets with two like play symbols in the same "GAME," and a prize symbol of \$10,000 (TEN THO) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$10,000.

(z) Holders of tickets with a play symbol of 7 (BLK7) or 8 (BLK8), with the symbol and caption printed in black ink, and a prize symbol of \$16\$ (SIXTN) appears in the "Prize" area to the right of that 7 (BLK7) or 8 (BLK8) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$16.

(aa) Holders of tickets with a play symbol of 7 (RED7), with the symbol and caption printed in red ink, or 8 (GRN8), with the symbol and caption printed in green ink, and a prize symbol of \$8⁰⁰ (EGT DOL) appears in the "Prize" area to the right of that 7 (RED7) or 8 (GRN8) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$16.

(bb) Holders of tickets with two like play symbols in the same "GAME," and a prize symbol of \$14\$ (FORTN) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$14.

(cc) Holders of tickets with a play symbol of 7 (BLK7) or 8 (BLK8), with the symbol and caption printed in black ink, and a prize symbol of \$14\$ (FORTN) appears in the "Prize" area to the right of that 7 (BLK7) or 8 (BLK8) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$14.

(dd) Holders of tickets with a play symbol of 7 (RED7), with the symbol and caption printed in red ink, or 8 (GRN8), with the symbol and caption printed in green ink, and a prize symbol of \$7⁰⁰ (SVN DOL) appears in the "Prize" area to the right of that 7 (RED7) or 8 (GRN8) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$14.

(ee) Holders of tickets with two like play symbols in the same "GAME," and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$10.

(ff) Holders of tickets with a play symbol of 7 (BLK7) or 8 (BLK8), with the symbol and caption printed in black ink, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the "Prize" area to the right of that 7 (BLK7) or 8 (BLK8) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$10.

(gg) Holders of tickets with a play symbol of 7 (RED7), with the symbol and caption printed in red ink, or 8 (GRN8), with the symbol and caption printed in green ink, and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the "Prize" area to the right of that 7 (RED7) or 8 (GRN8) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$10.

(hh) Holders of tickets with two like play symbols in the same "GAME," and a prize symbol of \$8⁰⁰ (EGT DOL) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$8.

(ii) Holders of tickets with a play symbol of 7 (BLK7) or 8 (BLK8), with the symbol and caption printed in black ink, and a prize symbol of \$8⁰⁰ (EGT DOL) appears in the "Prize" area to the right of that 7 (BLK7) or 8 (BLK8) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$8.

(ij) Holders of tickets with two like play symbols in the same "GAME," and a prize symbol of \$7⁰⁰ (SVN DOL) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$7.

(kk) Holders of tickets with a play symbol of 7 (BLK7) or 8 (BLK8), with the symbol and caption printed in black ink, and a prize symbol of \$7⁰⁰ (SVN DOL) appears in the "Prize" area to the right of that 7 (BLK7) or 8 (BLK8) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$7.

(ll) Holders of tickets with two like play symbols in the same "GAME," and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$5.

(mm) Holders of tickets with a play symbol of 7 (BLK7) or 8 (BLK8), with the symbol and caption printed in black ink, and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the "Prize" area to the right of that 7 (BLK7) or 8 (BLK8) play symbol in the same "GAME," 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:

Get Two Like Numbers In The Same Game, Win Prize Shown For That Game. Win With Prize(s) Of:

<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 14,400,000 Tickets</i>
\$5 w/BLACK 7 or BLACK 8	30	480,000
\$5	30	480,000
\$7 w/BLACK 7 or BLACK 8	100	144,000
\$7	100	144,000
\$8 w/BLACK 7 or BLACK 8	100	144,000
\$8	100	144,000
\$5 x 2	120	120,000
\$5 w/RED 7 or GREEN 8	120	120,000
\$10	120	120,000
\$10 w/BLACK 7 or BLACK 8	120	120,000
\$7 x 2	300	48,000
\$7 w/RED 7 or GREEN 8	200	72,000
\$14 w/BLACK 7 or BLACK 8	200	72,000
\$14	300	48,000
\$8 x 2	300	48,000
\$8 w/RED 7 or GREEN 8	200	72,000
\$16 w/BLACK 7 or BLACK 8	200	72,000
\$16	300	48,000

*Get Two Like Numbers In
The Same Game, Win Prize
Shown For That Game. Win
With Prize(s) Of:*

	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 14,400,000 Tickets</i>
\$5 × 4	\$20	150	96,000
\$10 × 2	\$20	150	96,000
\$10 w/RED 7 or GREEN 8	\$20	150	96,000
\$20	\$20	150	96,000
\$20 w/BLACK 7 or BLACK 8	\$20	150	96,000
\$5 × 8	\$40	600	24,000
(\$7 × 5) + \$5	\$40	600	24,000
\$8 × 5	\$40	600	24,000
\$10 × 4	\$40	600	24,000
\$20 × 2	\$40	600	24,000
\$20 w/RED 7 or GREEN 8	\$40	600	24,000
\$40	\$40	600	24,000
\$40 w/BLACK 7 or BLACK 8	\$40	600	24,000
\$5 × 10	\$50	4,800	3,000
\$10 × 5	\$50	4,800	3,000
(\$10 w/RED 7 or GREEN 8) + (\$10 × 3)	\$50	4,800	3,000
\$14 + \$16 + \$20	\$50	4,800	3,000
(\$20 × 2) + \$10	\$50	4,800	3,000
\$50	\$50	4,800	3,000
\$50 w/BLACK 7 or BLACK 8	\$50	4,800	3,000
\$7 × 10	\$70	6,000	2,400
\$10 × 7	\$70	6,000	2,400
\$14 × 5	\$70	6,000	2,400
(\$20 w/RED 7 or GREEN 8) + (\$10 × 3)	\$70	6,000	2,400
\$70	\$70	6,000	2,400
\$70 w/BLACK 7 or BLACK 8	\$70	6,000	2,400
\$8 × 10	\$80	6,000	2,400
\$10 × 8	\$80	6,000	2,400
\$16 × 5	\$80	6,000	2,400
\$20 × 4	\$80	6,000	2,400
\$40 w/RED 7 or GREEN 8	\$80	6,000	2,400
\$80	\$80	6,000	2,400
\$80 w/BLACK 7 or BLACK 8	\$80	6,000	2,400
\$10 × 10	\$100	1,714	8,400
\$20 × 5	\$100	1,714	8,400
(\$20 w/RED 7 or GREEN 8) + (\$20 × 3)	\$100	1,714	8,400
(\$40 w/RED 7 or GREEN 8) + (\$5 × 4)	\$100	1,714	8,400
\$100	\$100	1,714	8,400
\$100 w/BLACK 7 or BLACK 8	\$100	1,714	8,400
\$70 × 10	\$700	60,000	240
\$100 × 7	\$700	60,000	240
(\$100 w/RED 7 or GREEN 8) + (\$100 × 5)	\$700	60,000	240
\$700	\$700	60,000	240
\$700 w/BLACK 7 or BLACK 8	\$700	60,000	240
\$80 × 10	\$800	60,000	240
\$100 × 8	\$800	60,000	240
(\$100 w/RED 7 or GREEN 8) + (\$100 × 6)	\$800	60,000	240
\$800	\$800	60,000	240
\$800 w/BLACK 7 or BLACK 8	\$800	60,000	240
\$700 × 10	\$7,000	1,200,000	12
\$7,000	\$7,000	1,200,000	12
\$800 × 10	\$8,000	1,200,000	12
\$8,000	\$8,000	1,200,000	12
\$10,000	\$10,000	1,200,000	12
\$100,000	\$100,000	720,000	20

Black 7 (BLK7) or Black 8 (BLK8) symbol = Win the prize shown for that game automatically.
Red 7 (RED7) or Green 8 (GRN8) symbol = Win double the prize shown for that game.

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 Ruby 7s/Emerald 8s 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 Ruby 7s/Emerald 8s, prize money from winning Pennsylvania Ruby 7s/Emerald 8s 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 Ruby 7s/Emerald 8s instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Ruby 7s/Emerald 8s or through normal communications methods.

THOMAS W. WOLF,
Secretary

[Pa.B. Doc. No. 08-1507. Filed for public inspection August 15, 2008, 9:00 a.m.]

Pennsylvania Sizzling 7™/Red White & Blue™/Double Diamond™/Wild Cherry™ 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 Sizzling 7™/Red White & Blue™/Double Diamond™/Wild Cherry™. The name appearing on the tickets will be one of the following on an alternating basis: Sizzling 7™/Red White & Blue™/Double Diamond™/Wild Cherry™. There is no difference in game play method.

2. *Price:* The price of a Pennsylvania Sizzling 7™/Red White & Blue™/Double Diamond™/Wild Cherry™ instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Sizzling 7™/Red White & Blue™/Double Diamond™/Wild Cherry™ instant lottery game ticket will contain eight play areas known as "PULL 1," "PULL 2," "PULL 3," "PULL 4," "PULL 5," "PULL 6," "PULL 7" and "PULL 8." Each "PULL" is played separately. Each "PULL" features a play area and a "Prize" area. The play symbols and their captions located in the play area are: Banana symbol (BAN), Cherry symbol (CHRY), Grapes symbol (GRPS), 7 symbol (SVN), Peach symbol (PCH), Bell symbol (BEL), Melon symbol (MEL), Lemon symbol (LEM), Strawberry

symbol (STRA), Pineapple symbol (PNA), Horse Shoe symbol (SHO), Money Bag symbol (MBAG), Bar symbol (BAR), Diamond symbol (DMD), Crown symbol (CRN), Sun symbol (SUN), Clover symbol (CLV) and a Wild symbol (WILD).

4. *Prize Symbols:* The prize symbols and their captions located in the "Prize" area are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$20,000 (TWY THO).

5. *Prizes:* The prizes that can be won in this game are: \$1, \$2, \$4, \$5, \$10, \$20, \$40, \$50, \$100, \$400, \$500, \$1,000 and \$20,000. The player can win up to 8 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 7,200,000 tickets will be printed for the Pennsylvania Sizzling 7™/Red White & Blue™/Double Diamond™/Wild Cherry™ instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with three like play symbols in the same "PULL," and a prize symbol of \$20,000 (TWY THO) appears in the "Prize" area to the right of that "PULL," on a single ticket, shall be entitled to a prize of \$20,000.

(b) Holders of tickets with three like play symbols in the same "PULL," and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area to the right of that "PULL," on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets with three Wild (WILD) play symbols in the same "PULL," and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area to the right of that "PULL," on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets with three like play symbols in the same "PULL," and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area to the right of that "PULL," on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets with three like play symbols in the same "PULL," and a prize symbol of \$400 (FOR HUN) appears in the "Prize" area to the right of that "PULL," on a single ticket, shall be entitled to a prize of \$400.

(f) Holders of tickets with three Wild (WILD) play symbols in the same "PULL," and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area to the right of that "PULL," on a single ticket, shall be entitled to a prize of \$200.

(g) Holders of tickets with three like play symbols in the same "PULL," and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area to the right of that "PULL," on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets with three Wild (WILD) play symbols in the same "PULL," and a prize symbol of \$50\$ (FIFTY) appears in the "Prize" area to the right of that "PULL," on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets with three like play symbols in the same "PULL," and a prize symbol of \$50\$ (FIFTY) appears in the "Prize" area to the right of that "PULL," on a single ticket, shall be entitled to a prize of \$50.

(j) Holders of tickets with three like play symbols in the same "PULL," and a prize symbol of \$40\$ (FORTY)

appears in the "Prize" area to the right of that "PULL," on a single ticket, shall be entitled to a prize of \$40.

(k) Holders of tickets with three Wild (WILD) play symbols in the same "PULL," and a prize symbol of \$20\$ (TWENTY) appears in the "Prize" area to the right of that "PULL," on a single ticket, shall be entitled to a prize of \$40.

(l) Holders of tickets with three like play symbols in the same "PULL," and a prize symbol of \$20\$ (TWENTY) appears in the "Prize" area to the right of that "PULL," on a single ticket, shall be entitled to a prize of \$20.

(m) Holders of tickets with three Wild (WILD) play symbols in the same "PULL," and a prize symbol of \$10^{.00} (TEN DOL) appears in the "Prize" area to the right of that "PULL," on a single ticket, shall be entitled to a prize of \$20.

(n) Holders of tickets with three like play symbols in the same "PULL," and a prize symbol of \$10^{.00} (TEN DOL) appears in the "Prize" area to the right of that "PULL," on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets with three Wild (WILD) play symbols in the same "PULL," and a prize symbol of \$5^{.00} (FIV DOL) appears in the "Prize" area to the right of that "PULL," on a single ticket, shall be entitled to a prize of \$10.

(p) Holders of tickets with three like play symbols in the same "PULL," and a prize symbol of \$5^{.00} (FIV DOL)

appears in the "Prize" area to the right of that "PULL," on a single ticket, shall be entitled to a prize of \$5.

(q) Holders of tickets with three like play symbols in the same "PULL," and a prize symbol of \$4^{.00} (FOR DOL) appears in the "Prize" area to the right of that "PULL," on a single ticket, shall be entitled to a prize of \$4.

(r) Holders of tickets with three Wild (WILD) play symbols in the same "PULL," and a prize symbol of \$2^{.00} (TWO DOL) appears in the "Prize" area to the right of that "PULL," on a single ticket, shall be entitled to a prize of \$4.

(s) Holders of tickets with three like play symbols in the same "PULL," and a prize symbol of \$2^{.00} (TWO DOL) appears in the "Prize" area to the right of that "PULL," on a single ticket, shall be entitled to a prize of \$2.

(t) Holders of tickets with three Wild (WILD) play symbols in the same "PULL," and a prize symbol of \$1^{.00} (ONE DOL) appears in the "Prize" area to the right of that "PULL," on a single ticket, shall be entitled to a prize of \$2.

(u) Holders of tickets with three like play symbols in the same "PULL," and a prize symbol of \$1^{.00} (ONE DOL) appears in the "Prize" area to the right of that "PULL," on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Get 3 Like Symbols In Any Pull, Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 7,200,000 Tickets</i>
\$1 × 2	\$2	30	240,000
\$1 w/3 WILD SYMBOLS	\$2	30	240,000
\$2	\$2	30	240,000
\$1 × 4	\$4	75	96,000
\$2 × 2	\$4	75	96,000
\$2 w/3 WILD SYMBOLS	\$4	75	96,000
\$4	\$4	60	120,000
\$1 × 5	\$5	75	96,000
\$5	\$5	75	96,000
\$2 × 5	\$10	375	19,200
(\$2 × 3) + \$4	\$10	375	19,200
\$5 × 2	\$10	375	19,200
\$5 w/3 WILD SYMBOLS	\$10	375	19,200
\$10	\$10	375	19,200
\$4 × 5	\$20	750	9,600
\$5 × 4	\$20	750	9,600
\$10 × 2	\$20	750	9,600
\$10 w/3 WILD SYMBOLS	\$20	750	9,600
\$20	\$20	750	9,600
\$5 × 8	\$40	2,000	3,600
\$10 × 4	\$40	2,000	3,600
\$20 × 2	\$40	2,000	3,600
\$20 w/3 WILD SYMBOLS	\$40	2,000	3,600
\$40	\$40	2,000	3,600
(\$4 × 5) + (\$10 × 3)	\$50	3,000	2,400
(\$5 × 6) + (\$10 × 2)	\$50	3,000	2,400
\$10 × 5	\$50	3,000	2,400
(\$20 w/3 WILD SYMBOLS) + \$10	\$50	3,000	2,400
\$50	\$50	2,727	2,640
\$20 × 5	\$100	4,800	1,500
\$50 × 2	\$100	4,800	1,500
\$50 w/3 WILD SYMBOLS	\$100	4,800	1,500
\$100	\$100	4,800	1,500

<i>Get 3 Like Symbols In Any Pull, Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 7,200,000 Tickets</i>
\$50 × 8	\$400	24,000	300
\$100 × 4	\$400	24,000	300
(\$100 w/3 WILD SYMBOLS) + (\$100 × 2)	\$400	24,000	300
\$400	\$400	24,000	300
(\$50 × 6) + (\$100 × 2)	\$500	30,000	240
\$100 × 5	\$500	30,000	240
(\$100 w/3 WILD SYMBOLS) + (\$100 × 3)	\$500	30,000	240
\$500	\$500	30,000	240
(\$100 × 5) + \$500	\$1,000	60,000	120
\$500 w/3 WILD SYMBOLS	\$1,000	60,000	120
\$1,000	\$1,000	60,000	120
\$20,000	\$20,000	480,000	15

3 Wild Symbols in any pull = Win double the prize shown for that pull.

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 Sizzling 7TM/Red White & BlueTM/Double DiamondTM/Wild CherryTM 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 Sizzling 7TM/Red White & BlueTM/Double DiamondTM/Wild CherryTM, prize money from winning Pennsylvania Sizzling 7TM/Red White & BlueTM/Double DiamondTM/Wild CherryTM 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 Sizzling 7TM/Red White & BlueTM/Double DiamondTM/Wild CherryTM instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Sizzling 7TM/Red White & BlueTM/Double DiamondTM/Wild CherryTM or through normal communications methods.

THOMAS W. WOLF,
Secretary

[Pa.B. Doc. No. 08-1508. Filed for public inspection August 15, 2008, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Finding Bradford county

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 575(b)), the Director of the Bureau of Design, as designated by the Secretary of Transportation, makes the following written finding:

The Federal Highway Administration (FHWA) and the Department of Transportation (Department) are planning to remove and replace the existing bridge carrying SR 2010 over the former Lehigh Valley Railroad (now owned and operated by Norfolk Southern Railroad) along with associated roadway work, in Wyalusing Township, Bradford County. This project will require right-of-way from both the National Register of Historic Places-eligible former Lehigh Valley Railroad and the National Register of Historic Places-listed Ellen and Charles F. Welles property.

The subject project is considered a Level 2 Categorical Exclusion in accordance with 23 CFR Part 771.117 (relating to categorical exclusions) as published in the August 28, 1987, *Federal Register*.

Both the former Lehigh Valley Railroad property and the Welles property are section 2002/section 4(f) resources. Impact to each resource will constitute a use of the section 2002/section 4(f) resource.

Based upon studies, there is no prudent and feasible alternative to the proposed action.

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 harm to section 2002 resource.

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

[Pa.B. Doc. No. 08-1509. Filed for public inspection August 15, 2008, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

The Harrisburg Authority v. DEP; EHB Doc. No. 2008-237-L

The Harrisburg Authority has appealed the issuance by the Department of Environmental Protection of an NPDES permit to The Harrisburg Authority for a facility in the City of Harrisburg, Dauphin County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,
Acting Chairperson

[Pa.B. Doc. No. 08-1510. Filed for public inspection August 15, 2008, 9:00 a.m.]

FISH AND BOAT COMMISSION

Triploid Grass Carp Permit Application

Under 58 Pa. Code § 71.7 (relating to triploid grass carp), the Fish and Boat Commission (Commission) may issue permits to stock triploid grass carp in Commonwealth waters. Triploid grass carp are sterile fish that may, in appropriate circumstances, help control aquatic vegetation. The Commission has determined consistent with 58 Pa. Code § 71.7(e)(3) to seek public input with respect to any proposed stockings of triploid grass carp in waters having a surface area of more than 5 acres.

Interested persons are invited to submit written comments, objections or suggestions about the notice to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 10 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted. Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

The following application to stock triploid grass carp in waters having a surface area of greater than 5 acres is currently undergoing staff review:

<i>Applicant</i>	<i>Water</i>	<i>Location of Water</i>	<i>Description of Water</i>	<i>Nature of Vegetation to be Controlled</i>
Richard and Helen Christianson	Griffith Pond	Jackson Township Susquehanna County	15 acre lake which discharges into UNT to Tunkhannock Creek	Potamogeton amplifolius Ceratophyllum demersum Utricularia spp. Potamogeton americanus Ludwigia spp. Vallisneria americana

DOUGLAS J. AUSTEN, Ph.D.,
Executive Director

[Pa.B. Doc. No. 08-1511. Filed for public inspection August 15, 2008, 9:00 a.m.]

INSURANCE DEPARTMENT

Application and Request for a Certificate of Authority

UPMC Senior Communities, Inc. has applied for a Certificate of Authority to operate four Continuing Care Retirement Communities at Seneca Hills Village in Verona, PA, Canterbury Place in Pittsburgh, PA, Hampton Fields Village in Allison Park, PA and Lighthouse Pointe at Chapel Harbor in Pittsburgh, PA. The initial filing was received on August 4, 2008, and was made under the requirements set forth under the Continuing Care Provider Registration and Disclosure Act (40 P.S. §§ 3201—3225). Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, syerger@state.pa.us.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 08-1512. Filed for public inspection August 15, 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.

Governor's Office

Management Directive No. 205.39—Street Addresses For Department of General Services Owned or Administered Buildings, Amended July 23, 2008.

Management Directive No. 720.5—Energy Conservation and Electrical Devices in Commonwealth-Owned or Leased Buildings, Amended July 25, 2008.

Administrative Circular No. 08-11—Revised Revenue Estimates, 2008-09 Fiscal Year, Dated July 29, 2008.

MARY JANE PHELPS,
Director
Pennsylvania Bulletin

[Pa.B. Doc. No. 08-1513. Filed for public inspection August 15, 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 November 1, 2006 (P. L. 1213, No. 134) (Act 134). The meeting will be held on Thursday, August 21, 2008, at 9:30 a.m. in Room 8A of the East Wing, Capitol 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 for more information and to view a copy of the complete agenda.

THOMAS CORBETT,
Attorney General

[Pa.B. Doc. No. 08-1514. Filed for public inspection August 15, 2008, 9:00 a.m.]

OFFICE OF THE BUDGET

Commonwealth Financing Authority Certification

I, Mary A. Soderberg, Secretary of the Budget, hereby certify in accordance with, and as required by, section 1543(e) of the act of April 1, 2004 (P. L. 163, No. 22), 64 Pa.C.S. § 1543(e), that:

(1) sufficient surplus revenue will exist in the General Fund for Commonwealth Fiscal Years 2009-2010 and 2010-2011 to pay any liabilities which will be incurred by the Commonwealth during those Fiscal Years if the Commonwealth Financing Authority incurs an additional \$250,000,000 of indebtedness; and,

(2) the aggregate amount of liabilities which will be incurred by the Commonwealth for its Fiscal Years 2009-2010 and 2010-2011 as a result of the activities of the Commonwealth Financing Authority are \$62,474,000 and \$62,479,000 respectively.

MARY A. SODERBERG,
Secretary

[Pa.B. Doc. No. 08-1515. Filed for public inspection August 15, 2008, 9:00 a.m.]

PATIENT SAFETY AUTHORITY

Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P.S. § 1303.303), enacted on March 20, 2002, announces a meeting of the Authority's Board on Tuesday, September 9, 2008, at 10:30 a.m. to be held at the Wildwood Conference Center, Harrisburg Area Community College, One HAAC Drive, Harrisburg, PA.

Individuals having questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

MICHAEL C. DOERING,
Executive Director

[Pa.B. Doc. No. 08-1516. Filed for public inspection August 15, 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 September 2, 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.

Application of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

A-2008-2054827. Guilford Transportation Services, LLC (868 Peace Street, Hazelton, Luzerne County, PA 18201)—a limited liability corporation of the Commonwealth—persons in paratransit service, between points in Luzerne County. *Attorney:* John A. Pillar, 680 Washington Road, Suite B-101, Pittsburgh, PA 15228.

*Pennsylvania Public Utility Commission, Bureau of
Transportation and Safety v. Shawn T. Hamiel;
Doc. No. C-2008-2043423*

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 del-

egated 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 Shawn T. Hamiel (respondent) is under suspension effective 12/20/2007 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 6001 North Water Street, Philadelphia, PA 19120.

3. That respondent was issued a Certificate of Public Convenience by this Commission on October 30, 2006 at Application Docket No. A-00123215.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at Docket No. for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services and Enforcement
Bureau of Transportation and Safety

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal

arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in the Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Transportation and Safety
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Acord Certificates of Insurance and Faxed Form Es and Hs are **UNACCEPTABLE** as Evidence of Insurance.

The fine payment must be made to the Commonwealth of Pennsylvania and forwarded to:

James J. McNulty, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations.

Upon receipt of the evidence of insurance from your insurer and receipt of your fine payment, the Complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-1517. Filed for public inspection August 15, 2008, 9:00 a.m.]

2009 Schedule of Filing Dates for Recovery of Purchased Gas Costs; Doc. No. L-840102

Regulations promulgated by the Pennsylvania Public Utility Commission (Commission) as 52 Pa. Code § 53.64(a) direct the Commission to annually publish a schedule of filing dates for jurisdictional gas utilities subject to the procedure of 66 Pa.C.S. § 1307(f) (relating to sliding scale of rates; adjustments) for the recovery of purchased gas costs.

The 2009 schedule of filing dates is as follows:

February 1, 2009: National Fuel Gas Distribution Corporation—PA Division; T. W. Phillips Gas and Oil Company

March 1, 2009: Philadelphia Gas Works

April 1, 2009: Columbia Gas of Pennsylvania, Inc.; Peoples Natural Gas Company; Equitable Gas Company

June 1, 2009: UGI Penn Gas, Inc.; PECO-Gas Division; UGI Corporation; PPL Gas Utilities, Corp.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-1518. Filed for public inspection August 15, 2008, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bid

The Philadelphia Regional Port Authority (PRPA) will accept bids for Project No. 08-108.P, until 2 p.m., Friday, August 29, 2008. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 North Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available August 19, 2008. The PRPA is an equal opportunity employer. Contractor must comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 08-1519. Filed for public inspection August 15, 2008, 9:00 a.m.]

