

PENNSYLVANIA BULLETIN

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Pages 1631—1830

See Part II page 1759
for the Supreme Court's
Orphans' Court Rules

Part I

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The Courts
Commission on Crime and Delinquency
Department of Community and Economic
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Department of Corrections
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Department of Health
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Insurance Department
Juvenile Court Judges' Commission
Milk Marketing Board
Office of Attorney General
Pennsylvania Energy Department Authority
Pennsylvania Public Utility Commission
State Board of Medicine
Susquehanna River Basin Commission

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No. 389, April 2007

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2007.

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GENERAL ASSEMBLY

COMMISSION ON SENTENCING

Meetings Scheduled

The Commission on Sentencing announces the following public meetings to be held at The Omni William Penn Hotel, 530 William Penn Place, Pittsburgh, PA 15219:

Tuesday, May 8, 2007	6:30/7:30 p.m.	Dinner/Policy Committee Meeting
Wednesday, May 9, 2007	9 a.m.	Quarterly Commission Meeting

MARK H. BERGSTROM,
Executive Director

[Pa.B. Doc. No. 07-628. Filed for public inspection April 13, 2007, 9:00 a.m.]

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 200]

Amendment of Rule 223.1 Governing Trial by Jury; Proposed Recommendation No. 222

The Civil Procedural Rules Committee is proposing that Rule of Civil Procedure 223.1 governing trial by jury be amended by adding new subdivision (d) relating to jurors' use of electronic devices. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court of Pennsylvania.

All communications in reference to the proposed recommendation should be sent not later than June 1, 2007 to:

Harold K. Don, Jr.,
Counsel
Civil Procedural Rules Committee
5035 Ritter Road, Suite 700
Mechanicsburg, Pennsylvania 17055

or E-Mail to
civil.rules@pacourts.us

The Explanatory Comment which appears in connection with the proposed recommendation has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules of civil procedure or be officially adopted or promulgated by the Court.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

Rule 223.1. Conduct of the Trial. Trial by Jury.

* * * * *

(d)(1) During the trial, jurors may not

(i) seek information by any means, including cellular telephones or other electronic devices, or from any source, including e-mail and the Internet, or

(ii) publish information by any means, including cellular telephones or other electronic devices, or to any media, including e-mail and the Internet.

(2) During the deliberations of the jury, jurors may not

(i) communicate with persons outside the jury room other than the trial judge,

(ii) seek or publish information as provided by subdivision (d)(1).

Official Note: This rule does not regulate the possession by jurors of electronic devices including cell phones and laptop computers. This is left to the discretion of the local court or trial judge.

Explanatory Comment

Electronic devices such as cellular telephones and laptop computers have become an integral part of modern

life. However, such devices have no place in the performance of the duties of a juror. Anecdotal and published reports of the use of these devices by jurors during the course of the trial or deliberations of the jury indicate a need that jurors be informed or reminded that these devices are not to be used during the performance of their duties. Proposed Rule 223.1(d) supplies this need.

By the Civil Procedural Rules Committee

R. STANTON WETTICK, Jr.,
Chair

[Pa.B. Doc. No. 07-629. Filed for public inspection April 13, 2007, 9:00 a.m.]

PART I. GENERAL

[231 PA. CODE CH. 200]

Proposed Amendment of Rule 227.4 Governing Entry of Judgment upon Praecept of a Party; Proposed Recommendation No. 224

The Civil Procedural Rules Committee is proposing the amendment of Rule 227.4 governing entry of judgment upon praecipe of a party. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court of Pennsylvania.

All communications in reference to the proposed recommendation should be sent not later than June 1, 2007 to:

Harold K. Don, Jr.,
Counsel
Civil Procedural Rules Committee
5035 Ritter Road, Suite 700
Mechanicsburg, Pennsylvania 17055

or E-Mail to
civil.rules@pacourts.us

The Explanatory Comment which appears in connection with the proposed recommendation has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules of civil procedure or be officially adopted or promulgated by the Court.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

Rule 227.4. Entry of Judgment upon Praecept of a Party.

In addition to the provisions of any Rule of Civil Procedure or Act of Assembly authorizing the prothonotary to enter judgment upon praecipe of a party and except as otherwise provided by Rule 1042.72(e)(3), the prothonotary shall, upon praecipe of a party:

(1) enter judgment upon a **nonsuit by the court**, the verdict of a jury or the decision of a judge following a trial without jury, if

* * * * *

Explanatory Comment

Rule 227.4(a)(1) provides for the entry of judgment upon a verdict of a jury or the decision of a judge without

a jury when no motion for post-trial relief is filed or, if a motion is filed, the court does not timely dispose of it. However, relief from a nonsuit entered by the court is also subject to a motion for post-trial relief (Rule 227.1(a)(3)) but Rule 227.4(a)(1) omits any reference to the nonsuit. The present recommendation would remedy this omission by amending Rule 227.1(a)(1) to include a nonsuit by the court together with the verdict of a jury and the decision of a judge.

By the Civil Procedural Rules Committee

R. STANTON WETTICK, Jr.,
Chair

[Pa.B. Doc. No. 07-630. Filed for public inspection April 13, 2007, 9:00 a.m.]

PART I. GENERAL

[231 PA. CODE CHS. 1300 AND 3000]

Rescission of Rule 1307(b) Governing Lien of an Award in Compulsory Arbitration; Proposed Recommendation No. 223

The Civil Procedural Rules Committee is proposing the rescission of Rule of Civil Procedure 1307(b) governing the lien of an award in compulsory arbitration. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court of Pennsylvania.

All communications in reference to the proposed recommendation should be sent not later than June 1, 2007 to:

Harold K. Don, Jr.,
Counsel

Civil Procedural Rules Committee
5035 Ritter Road, Suite 700
Mechanicsburg, Pennsylvania 17055

or E-Mail to
civil.rules@pacourts.us

The Explanatory Comment which appears in connection with the proposed recommendation has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules of civil procedure or be officially adopted or promulgated by the Court.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1300. ARBITRATION

Subchapter A. COMPULSORY ARBITRATION

Rule 1307. Award. Docketing. Notice. Lien. Judgment. Molding the Award.

- (a) The prothonotary shall
(1) enter the award of record

[(A)] upon the proper docket, [and

(B) when the award is for the payment of money, in the judgment index;

Official Note: Rule 3021 governs the requirements for the entry in the judgment index.]

- (2) immediately send by ordinary mail a copy of the award, with notice of the date and time of its entry on the

docket and the amount of an arbitrators' compensation to be paid upon appeal, to each party's attorney of record, or to the party if the party has no attorney of record[;], and

- (3) note in the docket the date of mailing the notice.

(b) [The award for the payment of money when entered in the judgment index shall be a lien on real property located within the county, title to which is recorded in the name of the person against whom the award was entered. The lien shall continue during the pendency of an appeal or until extinguished according to law.] (Rescinded).

(c) If no appeal is taken within thirty days after the entry of the award on the docket, the prothonotary on praecipe shall enter judgment on the award.

Official Note: Rule 3021(a)(3) requires the prothonotary to immediately enter in the judgment index a judgment entered on praecipe of a party.

(d) Where the record and the award disclose an obvious and unambiguous error in the award in mathematics or language, the court, on application of a party within the thirty-day period allowed for appeal, may mold the award to the same extent and with the same effect as the court may mold the verdict of a jury. The filing of such an application shall stay all proceedings including the running of the thirty-day period for appeal until disposition of the application by the court. Any party may file a notice of appeal within the thirty-day appeal period prescribed by Rule 1308(a) or within ten days after disposition of the application, whichever is later.

CHAPTER 3000. JUDGMENTS

Subchapter A. TRANSFER OF JUDGMENTS TO OTHER COUNTIES

Rule 3021. Verdict. Order. Judgment. Entry in Judgment Index.

(a) The prothonotary shall immediately enter in the judgment index

- (1) a verdict or order for a specific sum of money with the notation "verdict" or "order." The entry shall state the amount of the verdict or order;

Official Note: See also [Rule 1307(a) governing the entry by the prothonotary of an award in compulsory arbitration and] Rule 3027(a) governing the entry by the prothonotary of a writ of revival.

* * * * *

Rule 3023. Judgment. Lien. Duration.

* * * * *

(b) A judgment upon a verdict [, an] or order [or an award in compulsory arbitration], when entered in the judgment index, shall

- (1) continue the lien upon real property located in the county which is subject to the lien of the verdict [,] or order [or award] upon which the judgment is entered, and

Official Note: The lien of a verdict or order dates from the time the verdict or order is entered in the judgment index. See Rule 3022(a).

[The lien of an award in compulsory arbitration dates from entry of the award in the judgment index. See Rule 1307(b).]

* * * * *

Explanatory Comment

The lien of an award of arbitrators in compulsory arbitration in Pennsylvania is statutory in origin, derived from the Act of June 16, 1836, P. L. 715, § 24. The Act of 1836 was repealed by the Judiciary Act Repealer Act in 1978 and the new provision of the Judicial Code, 42 Pa.C.S. § 7361, does not include the provision relating to the award as a lien. Rule 1307(b) promulgated in 1981 continued the prior practice. As the Civil Procedural Rules Committee stated in Paragraph 17 of its 1981 Explanatory Comment to the new rules governing compulsory arbitration, "The award when entered by the prothonotary on the docket has the effect of a verdict as a lien on real estate. The lien continues pending appeal. This continues the practice under the Act of 1836."

The Committee proposes to change this practice. The award when entered on the docket would no longer have the effect of a verdict on real estate and therefore there would be no lien to continue pending an appeal for a trial de novo. Rather, there would be two scenarios. First, if the defendant pursuant to Rule 1307(c) does not appeal the award of arbitrators within the time required, the plaintiff may enter judgment on the award and that judgment shall be entered in the judgment index as provided by Rule 3021(a)(3) and constitute a lien upon the real estate of the defendant as provided by Rule 3023(a) governing the lien of a judgment. Second, if the defendant does appeal an award for the payment of money, the lien will attach following the verdict of the jury or decision of the court upon the trial de novo as provided by Rule 3022 governing the lien of a verdict or order.

There are three bases for this proposal. First, a lien should be the consequence of a verdict of a jury or a decision of the court. The award of arbitrators is neither of these. Second, the imposition of a lien presents difficulties to the court and to the defendant when on appeal the award is not sustained but the lien is not removed. If the defendant wishes to sell the real estate following a verdict or decision on the trial de novo in his or her favor, he or she must take action to have the lien removed if the court or the plaintiff has not done so. Finally, the statutes and rules of other states which have adopted compulsory or judicial arbitration do not provide for the award of the arbitrators to be a lien on real property. The rule would thus conform to the practice in other jurisdictions.

By the Civil Procedural Rules Committee

R. STANTON WETTICK, Jr.,
Chair

[Pa.B. Doc. No. 07-631. Filed for public inspection April 13, 2007, 9:00 a.m.]

Title 25—LOCAL COURT RULES

BEAVER COUNTY

Local Rule 205.4(2)(b)(4); No. 10130 of 2001

Order

At the request of Lexis Nexis File and Serve, the effective date for the electronic filing of Divorce and Child

Custody legal papers under L.R. 205.4(2)(b)(4) is extended from April 2, 2007 to April 16, 2007.

The Court Administrator shall transmit a copy of this Order as follows:

1. Seven certified copies with the Administrative Office of Pennsylvania Courts;
2. Two certified copies and a computer diskette containing the text of this Order with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;
3. One certified copy to the Civil Procedure Rules Committee of the Supreme Court of Pennsylvania;
4. One copy to the Prothonotary to be kept continuously available for public inspection and copying;
5. One copy to the Law Library of Beaver County; and
6. One copy to the Beaver County Bar Association.

By the Court

ROBERT E. KUNSELMAN,
President Judge

[Pa.B. Doc. No. 07-632. Filed for public inspection April 13, 2007, 9:00 a.m.]

CUMBERLAND COUNTY

Local Rule 208.3(a)(2); Civil 96-1335

Amended Order

And Now, this 20 day of March, 2007, Local Rule 208.3(a)(2) which currently reads:

2. The motion shall name each Judge who has ruled upon any other issue on the same or related matter, and shall specify the issue.

is hereby amended to clarify the information being sought. The rule, as amended, shall read:

2. The motion shall state whether or not a judge has ruled upon any other issue in the same or related matter, and, if so, shall specify the judge and the issue.

The Court Administrator is directed to forward and file certified copies of this order in accordance with Pa.R.C.P. 239(c) and to forward a copy to the *Cumberland Law Journal*.

This rule is effective upon publication on the U.J.S. portal.

By the Court

EDGAR B. BAYLEY,
President Judge

[Pa.B. Doc. No. 07-633. Filed for public inspection April 13, 2007, 9:00 a.m.]

TIOGA COUNTY

Local Rule TC-117; No. 28 MS 2007

Order

And Now, this 2nd day of April, 2007, it is hereby *Ordered* that the following Local Rule 117 in reference to Coverage: Issuing Warrants; Preliminary Arraignments

and Summary Trials; and Setting and Accepting Bail be promulgated. This rule shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*. It is further ordered that the District Court Administrator shall send seven (7) certified copies of this Rule to the Administrative Office of the Pennsylvania Courts, two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, and one (1) certified copy to the Criminal Procedural Rules Committee. A copy of this rule shall be kept continuously available for public inspection and copying in the Office of the Tioga County District Court Administrator. The Court Administrator shall furnish to any person a copy of any local rule upon request and payment of reasonable costs of reproduction and mailing.

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

(1) All Magisterial District Judge (MDJ) Offices shall be open for regular business on Mondays through Fridays, excluding holidays, from 8:00 a.m. to 4:30 p.m., prevailing time. During normal business hours, each MDJ shall have primary responsibility for all matters arising in the venue of that MDJ, with the "on-call" or "duty" MDJ being available for all matters in the absence of that MDJ.

(2) Continuous coverage for the issuance of search warrants and arrest warrants, for warrants issued pursuant to Pa.R.Crim.P. 430 in a summary case, and for the issuance of emergency orders under the Protection from Abuse Act shall be provided by the "on-call" or "duty" MDJ, who shall be available for a one week period, commencing on Friday at 9:00 a.m. and concluding the following Friday at 9:00 a.m.

(3) For services set forth in Pa.R.Crim.P. 117(A)(2)(a) & (c), (referring to the conduct of summary trials following arrest with warrant or the setting of bail for out-of-county warrants) the duty MDJ shall be available at his office without unreasonable delay.

(4) Pursuant to Tioga County Administrative Order #129 MISC 2006 IN RE: Magisterial District Judges, all individuals placed under arrest by law enforcement and requiring arraignment between the hours of 11:00 p.m. and 8:00 a.m. shall be temporarily detained at the Tioga County Prison. [See Pa.R.Crim.P. 117(A)(2)(b) & (d)] Further, individuals placed under arrest between the hours of 8:00 a.m. on Saturday until 8:00 a.m. on Monday shall be temporarily housed at the Tioga County Prison, pending the next MDJ arraignment time.

(5) The duty MDJ shall report to the Tioga County Prison or make himself available via videoconferencing at 8:00 a.m. each day and, additionally, at 8:00 p.m. on Saturday and Sunday to conduct preliminary arraignments for any detainees.

(6) MDJs, the Clerk of Courts, and the Warden, or in his absence, his designee in charge of the Tioga County Prison shall be authorized to accept bail in accordance with the provisions, and subject to the limitations, of the Pennsylvania Rules of Criminal Procedure.

By the Court

ROBERT E. DALTON, JR.,
President Judge

[Pa.B. Doc. No. 07-634. Filed for public inspection April 13, 2007, 9:00 a.m.]

RULES AND REGULATIONS

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF MEDICINE
[49 PA. CODE CHS. 16 AND 18]

Registration and Practice of Acupuncturists

The State Board of Medicine (Board) amends §§ 16.1, 16.11, 16.13, 16.15, 16.16, 16.101, 18.11—18.14 and 18.18, adds §§ 18.13a and 18.15a (relating to requirements for registration as a practitioner of Oriental medicine; and scope of practice of acupuncturists and practitioners of Oriental medicine) and deletes §§ 18.16, 18.17 and 18.19 to read as set forth in Annex A.

A. Effective Date

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

B. Statutory Authority

The act of May 16, 2002 (P. L. 326, No. 49) (Act 49) amended the Acupuncture Registration Act (act) (63 P. S. §§ 1801—1806). Section 3 of the act (63 P. S. § 1803) authorizes the Board to promulgate regulations as necessary to regulate the practice of acupuncture.

C. Background and Purpose

This final-form rulemaking amends the Board's regulations so that they comport with the Act 49 amendments to the act.

D. Summary of Comments and Responses to Proposed Rulemaking

Proposed rulemaking was published at 35 Pa.B. 1210 (February 12, 2005). The Board entertained public comment for 30 days during which time the Board received comments from the Association for Professional Acupuncture in Pennsylvania (APA). Following the close of the public comment period, the Board received comments from the Independent Regulatory Review Commission (IRRC). Neither the House Professional Licensure Committee (HPLC) nor the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) commented during proposed rulemaking.

During the course of developing this final-form rulemaking, the Board learned that there is a dichotomy in the acupuncture profession between acupuncturists whose education, training and practice is restricted to basic acupuncture modalities, needling, bodywork and nutritional counseling, on the one hand, and acupuncturists who possess additional education, training and practice in the use of Chinese herbal therapy. Acupuncturists in the latter group are referred to in the profession as "practitioners of Oriental medicine." This dichotomy required significant adjustment to the final-form rulemaking. To assure that the public had a full opportunity to comment on the adjustments to the rulemaking, the Board published an advance notice of final rulemaking (ANFR) at 36 Pa.B. 2411 (May 20, 2006) to seek additional comments from the public.

Subsequent to the publication of the ANFR, the Board received comments from members of the general public

who disagreed that the requirement that a patient obtain a medical examination and referral from a physician prior to receiving acupuncture treatment was necessary for the public health and safety. At the time, this requirement was statutory and the Board lacked authority to delete it. However, at the end of the last legislative session, the General Assembly enacted the act of November 29, 2006, (P. L. 1625, No. 186) (Act 186), effective January 29, 2007, which further amended the act. Act 186 contains two substantive provisions in regard to the practice of acupuncture:

- Act 186 gives acupuncturists authority to treat patients for 60 days without physician involvement.
- Act 186 deletes from the act the requirement that a patient obtain a referral or prescription for acupuncture services and substitutes a requirement for a medical examination and diagnosis if treatment will continue beyond 60 days.

At this time, there is insufficient time remaining under the process of the Regulatory Review Act (71 P. S. §§ 745.1—745.15) to implement the provisions of Act 186 in this final-form rulemaking. Therefore, the Board intends to promulgate a separate proposed rulemaking to address the Act 186 amendments. In the interim, the proposed amendments to § 18.15 (relating to practice responsibilities of acupuncturist who is not a medical doctor) have been superseded by Act 186. Therefore, § 18.15 has been withdrawn from this final-form rulemaking.

The following is a summary of the comments received during the entire rulemaking process, as well as the Board's response.

During the proposed rulemaking process, IRRC suggested that the definition of "acupuncture examination" in § 18.11 (relating to definitions) pertaining to the required components of the examination lacks clarity in light of the expanded scope of practice of acupuncturists to include supplemental techniques. IRRC recommended that the Board clarify the final-form rulemaking by specifically including reference to the component of the examination that addresses supplemental techniques. The Board agrees with IRRC's recommendation and included language that clarifies that the Board recognizes the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) examination components in acupuncture, sterilization procedures and Chinese herbology for registration under the regulations.

Subsequent to the publication of the ANFR, both the HPLC and IRRC recommended that the Board add "practitioner of Oriental medicine" to the definition of "Board-regulated practitioner" in § 16.1 (relating to definitions). Similarly, IRRC suggested that § 16.13 (relating to licensure, certification, examination and registration fees) include practitioner of Oriental medicine registration. The Board agreed with these suggestions and also added references to practitioners of Oriental medicine throughout Chapter 16 when relevant.

IRRC noted that the terms "herbology," "herbal therapy" and "Chinese herbal therapy" are used interchangeably and suggested one term be used throughout the rulemaking. The Board notes that the term "herbal therapy" is used in section 3(f) of the act with regard to supplemental techniques. However, the Board believes that this reference to "herbal therapy" in the act must be

considered in the context of Oriental medical traditions. Chinese herbology is the study of the use of herbs in the Oriental medicine tradition, which is why the rulemaking continues to use that term in discussing the educational and examination requirements for registration as a practitioner of Oriental medicine. Herbal therapy, in the context of the regulations, is the application of Chinese herbology in the treatment of acupuncture patients. Therefore, the Board added definitions of "Chinese herbology" and "herbal therapy" in § 18.11 and uses those terms throughout the final-form rulemaking.

The HPLC and IRRC suggested that the Board separate the substantive scope of practice of an acupuncturist and practitioner of Oriental medicine from the definition of "acupuncturist." The Board agrees with these suggestions and made the appropriate changes.

IRRC's comments on § 18.12 (relating to registration as an acupuncturist) and § 18.13a indicated that the language of these sections was not entirely clear as to their application to medical doctors who practice acupuncture. Generally medical doctors hold an unrestricted license to practice any form of the healing art. Only in the area of acupuncture is a medical doctor also required to obtain a separate registration. However, this separate registration relates only to the needling aspects of acupuncture. Generally medical doctors are already qualified by education and training in regard to physical modalities, nutritional counseling and drug interactions that would be at issue in regard to the supplemental techniques now authorized by Act 49. Accordingly, the Board modified the final-form rulemaking to clarify that medical doctors are not limited in the practice of the healing art by the new grant of authority to acupuncturists to expand their scope of practice to include supplemental techniques.

As recommended by IRRC, the Board added practitioners of Oriental medicine to § 18.14 (relating to biennial registration requirements).

The HPLC requested additional information about to whom § 18.13a(c) would apply and whether the breadth of the exemptions from the standard licensing requirements was necessary. This subsection is intended to apply to acupuncturists who have been practicing in this Commonwealth for some period of time prior to this final-form rulemaking, and who had obtained their qualifications to practice at a time when the study and examination for the practice of acupuncture, including Chinese herbal therapy, was not as well organized as it is today. This subsection was developed because the APA strongly recommended that the Board find a means of recognizing existing practitioners. The APA estimated that up to 90 acupuncturists may be impacted by this issue. During the development of this final-form rulemaking, the APA very strongly recommended that the Board accept any course or examination regardless of whether the course or examination was recognized by other jurisdictions. Also, the APA strongly suggested that the examination requirement be divorced from the course requirement. With some misgivings as to whether this was an appropriate means of addressing the issue of existing practitioners, the Board proposed in the ANFR that existing acupuncturists demonstrate one of three qualifications for registration as a practitioner of Oriental medicine. These options were a course of study recognized by another United States jurisdiction, an examination recognized by another United States jurisdiction or NCCAOM certification.

The HPLC requested whether these three options are necessary. The APA stated that the options are too restrictive and will keep qualified persons out. At issue is

a balancing of interests between protecting the public from unqualified practitioners and recognizing the skill and training of individuals who may have previously obtained qualifications in a manner other than the now established route. The Board believes that as a general rule an individual should demonstrate both recognized education and recognized examination. However, it also recognizes that, especially in this field of the healing arts, the regulation of which is still relatively new to this Commonwealth, some individuals may have obtained credentials through a route different than the Commonwealth has established. Upon reflection, the Board has determined that the best way to ascertain the qualifications of individuals who may have obtained credentials in a manner other than the now established standard process is to recognize the Board's own authority under section 27 of the Medical Practice Act of 1985 (63 P. S. § 422.27) to determine and recognize the achievement of cumulative qualifications that the Board determines to be equivalent to the standard requirements for registration. Given the relatively small number of older acupuncturists who may seek to practice Oriental medicine, as estimated by the APA, the Board believes that providing them the opportunity to present evidence of their qualifications on a case-by-case basis is reasonable.

Otherwise, the APA has been generally supportive of the final-form rulemaking. During proposed rulemaking, both the APA and IRRC suggested that the examinations for English language include the Test for Spoken English. The Board will examine that question for possible future rulemaking, but believes inclusion in this final-form rulemaking is inappropriate because it is a subject matter that should be considered for all of the Board's licensees, which would expand the scope of this particular rulemaking. The APA also suggested that § 18.15(a)(1) would be clearer if the language was changed from "written referral" to "written referral or prescription." The Board has no objection to including this language since it does not alter the intent of the provision and the regulated community believes the language would be more clearly understood by practitioners.

E. Description of Amendments

Sections 16.1, 16.11, 16.13, 16.15 and 16.101 are amended to include references to practitioners of Oriental medicine. In addition, § 16.13 and §§ 16.11 and 16.15 (relating to licenses, certificates and registrations; and biennial registration; inactive status and unregistered status) are amended to delete references to registration as an acupuncture supervisor and fees for acupuncture supervisor registration.

Section 18.11 is amended to include the statutorily expanded definition of "acupuncture" to include the use of supplemental techniques, the statutorily established definition of an "acupuncture educational program" and the statutorily established definition of "supplemental techniques." Section 18.11 is also amended to delete definitions rendered unnecessary by Act 49. Specifically, the definition of "acupuncture program" is deleted as superseded by the term "acupuncture educational program." Definitions regarding supervision of acupuncturists are also deleted because Act 49 eliminated the supervisory requirement in regard to the practice of acupuncture. The definitions of "Chinese herbology," "herbal therapy" and "practitioner of Oriental medicine" have been added. Section 18.11 is also amended to reflect the name change of the National Commission for the Certification of Acupuncturists and Oriental Medicine (NCCAOM). As noted by IRRC, the proposed rulemaking erroneously identified

NCCAOM by an incorrect acronym. This error is corrected in this final-form rulemaking. Finally, § 18.11 is also amended pertaining to the required components of the acupuncture examination and the examination for registration as a practitioner of Oriental medicine.

Sections 18.12—18.14 are amended and §§ 18.16 and 18.17 are rescinded to delete references to acupuncturist supervisor and provisions pertaining to the supervision of the practice of acupuncture. Section 18.14 has been amended to add references to practitioners of Oriental medicine.

Section 18.13a has been added to distinguish between acupuncturists registered under § 18.13 (relating to requirements for registration as an acupuncturist) who do not use herbal therapy and acupuncturists registered as practitioners of Oriental medicine who may use herbal therapy. Section 18.13a also establishes the criteria for registration as a practitioner of Oriental medicine.

Section 18.15a has been added at the suggestion of IRRC and the HPLC to delineate the scope of practice of acupuncturists and practitioners of Oriental medicine. This section also includes the clarification that the expanded scope of practice of acupuncturists does not limit the practice of medicine by licensed medical doctors.

Section 18.18 (relating to disciplinary and corrective measures) has been amended to include references to practitioners of Oriental medicine as recommended by the HPLC and IRRC. Finally, § 18.19 pertained to outdated registration requirements under the original act and, therefore, is rescinded.

F. Fiscal Impact and Paperwork Requirements

The final-form rulemaking has no adverse fiscal impact or additional paperwork requirements imposed on the Commonwealth, its political subdivisions or the private sector.

G. Sunset Date

The Board continuously monitors its regulations. Therefore, no sunset date has been assigned.

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 2, 2005, the Board submitted a copy of the notice of proposed rulemaking, published at 35 Pa.B. 1210, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment. In addition, the Board published an ANFR at 36 Pa.B. 2411 and solicited additional comments for 30 days.

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 Department has considered all comments from IRRC, the HPLC, the SCP/PLC and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on February 13, 2007, this final-form rulemaking was approved by the HPLC. On February 28, 2007, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on March 1, 2007, and approved the final-form rulemaking.

I. Contact Person

Further information may be obtained by contacting Gerald S. Smith, Counsel, State Board of Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649, gerasmith@state.pa.us.

J. 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) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) This final-form rulemaking does not enlarge the purpose of proposed rulemaking published at 35 Pa.B. 1210.

(4) This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing acts identified in Part B of this preamble.

K. Order

The Board, acting under its authorizing statutes, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapters 16 and 18, are amended by amending §§ 16.1, 16.11, 16.13, 16.15, 16.16, 16.101, 18.11—18.13, 18.14, 18.18, by adding §§ 18.13a and 18.15a and by deleting §§ 18.16, 18.17 and 18.19 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(Editor's Note: The Board has withdrawn the proposal to amend § 18.15, which was included in the proposed rulemaking at 35 Pa.B. 1210.)

(b) The Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General as required by law.

(c) The Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

CHARLES D. HUMMER, Jr., M.D.,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 37 Pa.B. 1284 (March 17, 2007).)

Fiscal Note: Fiscal Note 16A-4919 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 16. STATE BOARD OF MEDICINE—GENERAL PROVISIONS

Subchapter A. BASIC DEFINITIONS AND INFORMATION

§ 16.1. Definitions.

The following words and terms, when used in this chapter and Chapters 17 and 18 (relating to State Board of Medicine—medical doctors; and State Board of Medicine—practitioners other than medical doctors), have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Board-regulated practitioner—A medical doctor, midwife, physician assistant, drugless therapist, athletic trainer, acupuncturist, practitioner of Oriental medicine or an applicant for a license or certificate that the Board may issue.

* * * * *

Subchapter B. GENERAL LICENSE, CERTIFICATION AND REGISTRATION PROVISIONS

§ 16.11. Licenses, certificates and registrations.

(a) The following medical doctor licenses are issued by the Board:

- (1) License without restriction.
(2) Institutional license.
(3) Extraterritorial license.
(4) Graduate license.
(5) Temporary license.
(6) Interim limited license.

(b) The following nonmedical doctor licenses are issued by the Board:

- (1) Midwife license.
(2) Physician assistant license.

(c) The following registrations are issued by the Board:

- (1) Registration as a supervising physician of a physician assistant.
(2) Registration as an acupuncturist.
(3) Registration as a practitioner of Oriental medicine.
(4) Biennial registration of a license without restriction.
(5) Biennial registration of an extraterritorial license.
(6) Biennial registration of a midwife license.
(7) Biennial registration of a physician assistant license.
(8) Biennial registration of a drugless therapist license.
(9) Biennial registration of a limited license-permanent.
(10) Biennial registration of an acupuncturist registration.
(11) Biennial registration as a practitioner of Oriental medicine.

§ 16.13. Licensure, certification, examination and registration fees.

* * * * *

(d) Acupuncturist registration:

Table with 2 columns: Description and Fee. Row 1: (1) Acupuncturist Application.....\$30. Row 2: Biennial renewal.....\$40.

(2) Practitioner of Oriental medicine registration:

Table with 2 columns: Description and Fee. Row 1: Application.....\$30. Row 2: Biennial renewal.....\$40.

(e) Drugless therapist license:

Table with 2 columns: Description and Fee. Row 1: Biennial renewal.....\$35.

* * * * *

§ 16.15. Biennial registration; inactive status and unregistered status.

(a) A person licensed or certified by the Board, or registered as an acupuncturist or as a practitioner of Oriental medicine with the Board, shall register biennially to retain the right to engage in practice unless specifically exempted within this section. Initial registration shall automatically occur when the license, certificate or registration is issued.

(b) The following licenses, certificates and registration are not subject to biennial registration:

- (1) Institutional license.
(2) Graduate license.
(3) Temporary license.
(4) Interim limited license.
(5) Registration as a physician assistant supervisor of a physician assistant.

(c) Registration for a biennium expires December 31 of every even-numbered year. Application for biennial registration shall be made upon forms supplied by the Board. The forms shall be filed with the Board with the required registration fee prior to the expiration of the previous biennial registration.

* * * * *

§ 16.16. Reporting of disciplinary actions, criminal dispositions and other licenses, certificates or authorizations to practice.

(a) An applicant for a license, certificate or registration issued by the Board shall apprise the Board of any of the following:

- (1) A license, certificate or other authorization to practice a profession issued, denied or limited by another state, territory or possession of the United States, another country or a branch of the Federal government.
(2) Disciplinary action instituted against the applicant by a licensing authority of another state, territory or possession of the United States, another country or a branch of the Federal government.

(3) A finding or verdict of guilt, an admission of guilt, a plea of nolo contendere, probation without verdict, a disposition in lieu of trial or an accelerated rehabilitative disposition with respect to a felony offense or a misdemeanor offense relating to a health care practice or profession.

(b) Portions of applications provided by the Board will be reserved to assist applicants in meeting the reporting responsibilities enumerated in subsection (a).

(c) The reporting responsibilities enumerated in subsection (a) continue after the Board issues a license, certificate or registration. If, after the Board has issued a license, certificate or registration, any of the events in subsection (a) occur, the person shall report that matter to the Board in writing within 30 days after its occurrence.

Subchapter G. MINIMUM STANDARDS OF PRACTICE—CHILD ABUSE

§ 16.101. Definitions.

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

Board-regulated practitioner—A medical doctor, physician assistant, nurse midwife, certified registered nurse

practitioner, respiratory care practitioner, drugless therapist, acupuncturist, practitioner of Oriental medicine or auxiliary personnel performing radiologic procedures on the premises of a medical doctor.

Child abuse—A term meaning any of the following:

(i) A recent act or failure to act by a perpetrator which causes nonaccidental serious physical injury to a child under 18 years of age.

(ii) An act or failure to act by a perpetrator which causes nonaccidental serious mental injury to or sexual abuse or sexual exploitation of a child under 18 years of age.

(iii) A recent act, failure to act or series of acts or failures to act by a perpetrator which creates an imminent risk of serious physical injury to or sexual abuse or sexual exploitation of a child under 18 years of age.

(iv) Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide the essentials of life, including adequate medical care, which endangers a child's life or development or impairs the child's functioning.

ChildLine—An organizational unit of the Department of Public Welfare which operates a 24-hour a day State-wide toll free telephone system for receiving reports of suspected child abuse, referring reports for investigation and maintaining the reports in the appropriate file.

Individual residing in the same home as the child—An individual who is 14 years of age or older and who resides in the same home as the child.

Perpetrator—A person who has committed child abuse and is a parent of the child, a person responsible for the welfare of a child, an individual residing in the same home as a child or a paramour of a child's parent.

Person responsible for the child's welfare—

(i) A person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control.

(ii) The term does not include a person who is employed by or provides services or programs in a public or private school, intermediate unit or area vocational-technical school.

Recent acts or omissions—Acts or omissions committed within 2 years of the date of the report to the Department of Public Welfare or county agency.

Serious mental injury—A psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that does one or more of the following:

(i) Renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened.

(ii) Seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.

Serious physical injury—An injury that causes a child severe pain or significantly impairs a child's physical functioning, either temporarily or permanently.

Sexual abuse or exploitation—The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another person to engage in sexually explicit conduct or a simulation of sexually explicit conduct for the purpose of producing a visual

depiction, including photographing, videotaping, computer depicting or filming, of sexually explicit conduct or the rape, sexual assault, involuntary deviate sexual intercourse, aggravated indecent assault, molestation, incest, indecent exposure, prostitution, statutory sexual assault or other form of sexual exploitation of children.

CHAPTER 18. STATE BOARD OF MEDICINE—PRACTITIONERS OTHER THAN MEDICAL DOCTORS

Subchapter B. REGISTRATION AND PRACTICE OF ACUPUNCTURISTS AND PRACTITIONERS OF ORIENTAL MEDICINE

§ 18.11. Definitions.

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

Acupuncture—

(i) The stimulation of certain points on or near the surface of the body by the insertion of needles to prevent or alleviate the perception of pain or to normalize physiological functions, including pain control, for the treatment of certain diseases or dysfunctions of the body.

(ii) The term also includes the use of supplemental techniques.

Acupuncture educational program—Training and instruction in acupuncture or supplemental acupuncture techniques offered by a degree-granting institution authorized by the Department of Education that leads to a master's degree, master's level certificate or diploma or first professional degree, that meets the relevant and appropriate requirements of 22 Pa. Code (relating to education) and 24 Pa.C.S. Chapter 65 (relating to private colleges, universities and seminaries) and that meets or exceeds the standards required for acupuncture or Oriental medicine programs established by an accrediting agency recognized by the United States Department of Education.

Acupuncture examination—An examination offered or recognized by the Board to test whether an individual has accumulated sufficient academic knowledge with respect to the practice of acupuncture and herbal therapy to qualify for the privilege of practicing as an acupuncturist or as a practitioner of Oriental medicine. The Board recognizes the NCCAOM component examinations in acupuncture and sterilization procedures as the examination for registration as an acupuncturist and the NCCAOM examination component in Chinese herbology as the examination for registration as a practitioner of Oriental medicine.

Acupuncture medical program—An academic or clinical program of study in acupuncture which has been given category I continuing medical education credit by an institution accredited or recognized by the Accreditation Council on Continuing Medical Education to conduct category I continuing medical education courses.

Acupuncturist—An individual registered to practice acupuncture by the Board.

* * * * *

Chinese herbology—The study of the use of herbs in the Oriental medicine tradition.

Herbal therapy—The application of Chinese herbology to the treatment of acupuncture patients.

NCCAOM—The National Certification Commission for Acupuncture and Oriental Medicine.

Practitioner of Oriental medicine—An acupuncturist who is registered by the Board to use herbal therapy.

Supplemental techniques—The use of traditional and modern Oriental therapeutics, heat therapy, moxibustion, electrical and low level laser stimulation, acupressure and other forms of massage, herbal therapy and counseling that includes the therapeutic use of foods and supplements and lifestyle modifications.

§ 18.12. Registration as an acupuncturist.

A medical doctor who intends to practice acupuncture and any other individual who intends to practice acupuncture shall register with the Board as an acupuncturist.

§ 18.13. Requirements for registration as an acupuncturist.

(a) The Board will register as an acupuncturist a person who satisfies the following requirements:

(1) Has successfully completed an acupuncture education program which includes a course in needle sterilization techniques.

(2) Has obtained a passing grade on an acupuncture examination or has been certified by NCCAOM. If the examination was not taken in English, but is otherwise acceptable and a passing score was secured, the Board will accept the examination result if the applicant has also secured a score of 550 on the test of English as a Foreign Language (TOEFL).

(b) The Board will register as an acupuncturist a medical doctor who satisfies the following requirements:

(1) Has successfully completed 200 hours of training in acupuncture medical programs including examinations required by those programs.

(2) Submits an application to register as an acupuncturist accompanied by the required fee. For the fee amount, see § 16.13 (relating to licensure, certification, examination and registration fees).

(c) Prior to January 1, 1988, the Board will register as an acupuncturist a medical doctor who satisfies the requirements of subsection (a), (b) or the following:

(1) Has at least 3 years of acupuncture practice—a minimum of 500 patient visits per year—documented to the satisfaction of the Board.

(2) Submits an application to register as an acupuncturist accompanied by the required fee. For the fee amount, see § 16.13.

§ 18.13a. Requirements for registration as a practitioner of Oriental medicine.

(a) An acupuncturist who also intends to use herbal therapy is required to be registered with the Board as a practitioner of Oriental medicine.

(b) The Board will register an acupuncturist as a practitioner of Oriental medicine if the registrant, in addition to meeting the requirements under § 18.13 (relating to requirements for registration as an acupuncturist) has fulfilled one of the following:

(1) Successfully completed an acupuncture education program that includes the study of Chinese herbology and has passed the NCCAOM examination component on Chinese herbology.

(2) Has obtained NCCAOM certification in Chinese herbology or Oriental medicine, which includes passing the NCCAOM examination component in Chinese herbology.

(c) An acupuncturist registered with the Board prior to April 14, 2007, may obtain a registration as a practitioner of Oriental medicine if the acupuncturist can demonstrate one of the following:

(1) Successful completion of a Chinese herbology or Oriental medicine education program recognized by the licensing authority of another state or United States territory for the practice of herbal therapy or Oriental medicine and successful completion of an examination in Chinese herbology or Oriental medicine recognized by the licensing authority of another state or United States territory for the practice of herbal therapy or Oriental medicine.

(2) NCCAOM certification in Chinese herbology or Oriental medicine.

(3) The achievement of cumulative qualifications that the Board determines to be equivalent to the standard requirements for registration as a practitioner of Oriental medicine.

(d) This subsection does not apply to a medical doctor registered as an acupuncturist nor does it restrict the practice of medicine by a medical doctor.

§ 18.14. Biennial registration requirements.

(a) Acupuncturists and practitioners of Oriental medicine shall register biennially and submit the appropriate registration fee to engage in the practice of acupuncture for the biennial period.

(b) Procedures for biennial registration of acupuncturists and practitioners of Oriental medicine are outlined in § 16.15 (relating to biennial registration; inactive status and unregistered status).

(c) The biennial registration fee is set forth in § 16.13 (relating to licensure, certification, examination and registration fees).

§ 18.15a. Scope of practice of acupuncturists and practitioners of Oriental medicine.

(a) An acupuncturist may practice acupuncture and use supplemental techniques but may not use herbal therapy.

(b) A practitioner of Oriental medicine may practice acupuncture and use supplemental techniques including herbal therapy.

(c) This subsection does not limit the scope of practice of a medical doctor who is registered as an acupuncturist.

§ 18.16. (Reserved).

§ 18.17. (Reserved).

§ 18.18. Disciplinary and corrective measures.

(a) The Board may refuse, revoke, suspend, limit or attach conditions to the registration of an acupuncturist or practitioner of Oriental medicine for engaging in conduct prohibited by section 41 of the act (63 P. S. § 422.41) for Board-regulated practitioners.

(b) The Board will order the emergency suspension of the registration of an acupuncturist or practitioner of Oriental medicine who presents an immediate and clear danger to the public health and safety, as required by section 40 of the act (63 P. S. § 422.40).

(c) The registration of an acupuncturist or practitioner of Oriental medicine shall automatically be suspended, as required by section 40 of the act.

§ 18.19. (Reserved).

[Pa.B. Doc. No. 07-635. Filed for public inspection April 13, 2007, 9:00 a.m.]

Title 67—TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 457]

Prequalification of Bidders

The Department of Transportation (Department), under section 404.1 of the State Highway Law (act) (36 P. S. § 670-404.1), amends Chapter 457 (relating to prequalification of bidders).

Purpose of this Chapter

The purpose of this chapter is to provide a method and manner, determined to be desirable by the Secretary of Transportation, to prequalify all contractors and subcontractors who seek to perform highway project work in this Commonwealth.

Purpose of this Final-Form Rulemaking

The purpose of this final-form rulemaking is to amend the table in § 457.5 (relating to classification) by deleting the specific classification for Rest Area Structures and Buildings.

This final-form rulemaking is necessary because work associated with the "N" Work Classification Code (rest area structures, buildings) is not traditionally performed by highway construction contractors. Contractors who have expertise in this work are generally not prequalified by the Department. To attract a greater number of competent bidders, this type of work should be classified as miscellaneous work.

Statutory Authority

The regulation is amended under section 404.1 of the act.

Persons and Entities Affected

This final-form rulemaking affects contractors who wish to perform project work regarding the construction of rest area structures and buildings along highways in this Commonwealth.

Fiscal Impact

The final-form rulemaking will have little or no fiscal impact on contractors. The Commonwealth may realize cost savings in the construction of rest area structures and buildings in the availability of a greater number of contractors able to bid on such work.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 21, 2006, the Department submitted a copy of the notice of proposed rulemaking,

published at 36 Pa.B. 3273 (July 1, 2006), to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Transportation Committees for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on February 27, 2007, the final-form rulemaking was deemed approved by the Committees. Under section 5(g) of the Regulatory Review Act, the final-form rulemaking was deemed approved by IRRC, effective February 28, 2007.

Sunset Provisions

The Department is not establishing a sunset date for the regulation, since the regulation is needed to administer provisions required under the act. The regulation will be continuously monitored for effectiveness by the Department and the affected industry.

Contact Person

The contact person for this final-form rulemaking is Joseph F. Cribben, P. E., Contract Evaluation Engineer, Contract Management Division, Bureau of Construction and Materials, P. O. Box 2855, Harrisburg, PA 17105-2855.

Order

The Department orders that:

(a) The regulations of the Department, 67 Pa. Code Chapter 457, are amended by amending § 457.5 to read as set forth at 36 Pa.B. 3273.

(b) The Secretary of the Department shall submit this order and 36 Pa.B. 3273 to the Office of General Counsel and the Office of Attorney General for approval as to legality and form as required by law.

(c) The Secretary shall certify this order and 36 Pa.B. 3273 and deposit them with the Legislative Reference Bureau as required by law.

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

ALLEN D. BIEHLER, P. E.,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 37 Pa.B. 1284 (March 17, 2007).)

Fiscal Note: Fiscal Note 18-407 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 07-636. Filed for public inspection April 13, 2007, 9:00 a.m.]

STATEMENTS OF POLICY

Title 37—LAW

COMMISSION ON CRIME AND DELINQUENCY [37 PA. CODE CH. 411]

Crime Victims Compensation

The Office of Victims' Services (OVS) of the Commission on Crime and Delinquency (Commission) rescinds §§ 411.101—411.103 to read as set forth in Annex A.

Purpose

The text of §§ 411.101—411.103 has been amended and incorporated in the remaining OVS regulations in Chapter 411 (relating to crime victims compensation). Therefore, §§ 411.101—411.103 are now obsolete.

Authority

The powers and duties of OVS are set forth in the Crime Victims Act (18 P. S. §§ 11.101—11.5102).

Fiscal Impact

There is no fiscal impact.

Affected Persons

No persons will be affected by this statement of policy.

Paperwork Requirements

There are no paperwork requirements.

Effective Date

This statement of policy will take effect upon publication in the *Pennsylvania Bulletin*.

(*Editor's Note:* Title 37 of the *Pennsylvania Code* is amended by deleting statements of policy in §§ 411.101—411.103 to read as set forth in Annex A)

MICHAEL J. KANE,
Executive Director

Fiscal Note: 35-30. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 37. LAW

PART VI. COMMISSION ON CRIME AND DELINQUENCY

CHAPTER 411. CRIME VICTIMS COMPENSATION

§§ 411.101—411.103. (Reserved).

[Pa.B. Doc. No. 07-637. Filed for public inspection April 13, 2007, 9:00 a.m.]

JUVENILE COURT JUDGES' COMMISSION [37 PA. CODE CH. 200]

Standards Governing the Use of Secure Detention Under the Juvenile Act; Standards Governing Hearings and Administrative Reviews for Juve- niles Held in Secure Detention

The Juvenile Court Judges' Commission (Commission) amends Chapter 200, Subchapters A and B (relating to standards governing the use of secure detention under the Juvenile Act; and standards governing hearings and administrative reviews for juveniles held in secure detention) to read as set forth in Annex A.

Authority

This statement of policy is issued under section 4 of the act of December 21, 1959 (11 P. S. § 270-4).

Purpose and Requirements

This statement of policy sets forth minor amendments to the standards in Subchapters A and B. These standards provide guidance to juvenile court judges, juvenile court masters and juvenile probation officers regarding the use of secure detention and in conducting hearings and administrative reviews following a juvenile's admission to secure detention. All 67 county juvenile probation departments are required to comply with this statement of policy as a condition for participation in the Commission's Grant-In-Aid Program.

The amendments were made primarily to ensure conformity with relevant provisions of the Pennsylvania Rules of Juvenile Court Procedure. Other revisions were needed to ensure conformity with amendments to 18 Pa.C.S. (relating to the Crimes Code). The following is a summary of changes to the aforementioned standards in this statement of policy. In addition to the amendments listed, "child" and "children" have been replaced with "juvenile" and "juveniles," so that the standards are consistent with the terms used in the Pennsylvania Rules of Juvenile Court Procedure.

Subchapter A. Standards Governing the Use of Secure Detention Under the Juvenile Act

Section 200.3 (relating to detention required to protect the person or property of others or of the juvenile) has been amended to include two additional offenses under 18 Pa.C.S. Chapter 31 (relating to sexual offenses). These offenses were added to reflect amendments to 18 Pa.C.S. Chapter 31 that occurred after the adoption of this subchapter.

Sections 200.7 and 200.8 (relating to postdisposition detention awaiting placement; and detention pending or subsequent to a dispositional review proceeding) have been amended to replace incorrect references to § 200.6(a)(3) (relating to postadjudication detention pending disposition) with references to § 200.6(3).

Subchapter B. Standards Governing Hearings and Administrative Reviews for Juveniles Held in Secure Detention

Section 200.101(b) (relating to preadjudication detention) requires that the petition shall be filed with the clerk of courts within 24 hours or the next court business day when a juvenile remains in secure detention following a detention hearing, consistent with Pa.R.J.C.P. 242(D)

(relating to detention hearing). Language was added to subsection (c) to provide that if the juvenile is detained, an adjudicatory hearing will be held within 10 days of the filing of the petition, consistent with Pa.R.J.C.P. 404(A) (relating to prompt adjudicatory hearing). Additionally, language was added to provide that if a juvenile is detained and the adjudicatory hearing is not held, or notice of request for transfer is not submitted within the 10-day period, the juvenile shall be released from detention, consistent with Pa.R.J.C.P. 240(D) (relating to detention of juvenile). Language was also added to reflect the requirements for additional 10-day periods of detention, consistent with Pa.R.J.C.P. 240(D).

Language was added to § 200.102(a) (relating to postadjudication/predisposition detention) to clarify that a disposition hearing or a hearing to determine the need for continued secure detention shall be held within 20 days of the date of a ruling on the offenses, consistent with Pa.R.J.C.P. 510 (relating to prompt dispositional hearing).

In § 200.104 "Detention pending a disposition review proceeding for failure to adjust in placement," language was deleted from (a) which had provided an exception to the requirement for an informal detention hearing in cases where a juvenile had been in a secure placement facility immediately prior to admission to secure detention.

Section 200.105(b) (relating to detention pending a disposition review proceeding for violation of probation) was added to require that within 10 days of the informal detention hearing, a hearing on the motion to modify or revoke probation shall be held, consistent with Pa.R.J.C.P. 612(B)(1) (relating to modification or revocation of probation). Also, language in subsection (c) was amended to provide that unless a new dispositional order is entered, a hearing to determine the need for continued secure detention shall be held within 20 days of the hearing on the motion to modify or revoke probation.

Section 200.107(a) (relating to responsibility of probation officer) was amended to provide that the chief juvenile probation officer or designee is to provide to the court information as necessary to ensure that all juveniles placed in secure detention have the continued appropriateness of the detention is reviewed by the court. Language was deleted from subsection (a) which permitted a designee to the court to make these determinations.

Affected Parties

This statement of policy will affect courts of common pleas in this Commonwealth.

Cost and Paperwork Estimates

The amendments to these statements of policy may require changes to standardized paperwork in each jurisdiction.

Effective Date

This statement of policy will become effective upon publication in the *Pennsylvania Bulletin*.

Contact Person

For further information regarding this statement of policy, contact Lisa J. Freese, Director of Policy and Program Development, Juvenile Court Judges' Commission, 401 Finance Building, Harrisburg, PA 17120-0018, (717) 705-9003.

Findings

The Commission finds that amendments to these statements of policy are necessary for the effective use of

secure detention under 42 Pa.C.S. Chapter 63 (relating to the Juvenile Act) and for hearings and administrative reviews for juveniles held in secure detention.

Order

The Commission, acting under the authorizing statute, orders that:

(a) Title 37 of the Pa. Code Chapter 200, is amended by amending the statements of policy in §§ 200.1—200.9 and 200.101—200.107 to read as set forth in Annex A.

(b) The Executive Director of the Commission will certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) The order shall take effect upon publication in the *Pennsylvania Bulletin*.

JAMES E. ANDERSON,
Executive Director

Fiscal Note: 23-7. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 37. LAW

PART III. AGENCIES AND OFFICES

Subpart N. JUVENILE COURT JUDGES' COMMISSION

CHAPTER 200. JUVENILE COURT JUDGES' COMMISSION

Subchapter A. STANDARDS GOVERNING THE USE OF SECURE DETENTION UNDER THE JUVENILE ACT

Preamble

The purpose of Pennsylvania's juvenile justice system is to provide programs of supervision, care and rehabilitation which are consistent with the protection of the public interest and which provide balanced attention to the protection of the community, the imposition of accountability for offenses committed and the development of competencies to enable juveniles who come within the jurisdiction of the court to become responsible and productive members of the community.

Secure detention services must be understood within the context of the services available within the juvenile justice system, and within the broader context of the purpose of the system, and of the juvenile justice process. A juvenile admitted to a juvenile detention center is provided access to a wide range of services, custody, supervision and assessments.

The "Standards Governing the Use of Secure Detention Under The Juvenile Act" adopted by the Juvenile Court Judges' Commission were developed with an understanding that overcrowding in juvenile detention centers presents danger to both residents and staff and can severely disrupt programs and services. Consequently, juvenile court judges and chief juvenile probation officers should take a leadership role in advocating for adequate juvenile detention services and alternatives, in monitoring detention center populations at the local level, and in developing strategies to be undertaken as facilities approach capacity.

These standards were also developed on the premise that decisions regarding admissions to secure detention facilities must be based on a commitment to utilize the most appropriate level of care consistent with the circumstances of the individual case. When the admission of a

juvenile to a secure detention facility is being considered by a judge, master or juvenile probation officer, preference should be given to nonsecure alternatives which could reduce the risk of flight or danger to the juvenile or community.

§ 200.1. Scope.

(a) These standards shall be applied in determining whether a juvenile who is alleged to be or has been found to be delinquent may be detained. A juvenile who is alleged to be or has been found to be a dependent child may not be detained in a secure detention facility unless the child is also alleged to be or has been found to be delinquent.

(b) Even though eligibility criteria may indicate that a particular juvenile may be detained, detention is not mandatory. In every situation in which secure detention is to be considered, forms of control short of secure detention which could substantially reduce the risk of flight or danger to the juvenile or the community shall be given preference.

(c) Preadjudication detention may never be imposed as a means of punishment or to apply sanctions.

(d) Secure detention is not to be used when a juvenile alleged to be delinquent cannot be released solely because there is no parent, guardian or custodian able to assume responsibility or adequately supervise the juvenile.

§ 200.2. Statement of reasons requirement.

(a) If secure detention is ordered or authorized, except as provided in subsections (b) and (c), whether at intake or at a detention or other hearing before a juvenile court judge or juvenile court master, a contemporaneous written statement of reasons and facts shall accompany the detention decision specifying the following:

(1) There is a reasonable basis to believe that the juvenile has committed the act for which he is being detained—in the case of judicial authorities, that probable cause exists—and that the juvenile is not excluded from the jurisdiction of juvenile court by age or another reason.

(2) The juvenile's detention is permitted under this subchapter.

(3) The alternatives to secure detention which were considered and rejected.

(4) The reasons why secure detention is required and alternatives are not appropriate. Separate reasons need not be given for each alternative considered.

(b) If secure detention is ordered after the juvenile is found to have committed a delinquent act but prior to the court's determination that residential placement will be ordered at disposition, the court shall indicate on the record or in a court order why secure detention is required and alternatives are not appropriate. Separate reasons need not be given for each alternative considered.

(c) Once the court has determined that residential placement will be ordered or continued, if previously ordered, no statement of reasons is required regarding the use of secure detention pending placement.

§ 200.3. Detention required to protect the person or property of others or of the juvenile.

A juvenile may not be detained in secure detention under 42 Pa.C.S. §§ 6325, 6326 and 6331 (relating to detention of child; release or delivery to court; and release from detention or commencement of proceedings) for the purpose of protecting the person or property of others or of the juvenile unless one of the following exists:

(1) The juvenile is alleged to be delinquent on the basis of acts which would constitute the commission of, conspiracy, solicitation or an attempt to commit any of the following crimes:

(i) Criminal homicide, 18 Pa.C.S. § 2502, § 2503 or § 2504 (relating to murder; voluntary manslaughter or involuntary manslaughter).

(ii) Rape, 18 Pa.C.S. § 3121 (relating to rape).

(iii) Robbery, 18 Pa.C.S. § 3701 (relating to robbery).

(iv) Robbery of motor vehicle, 18 Pa.C.S. § 3702 (relating to robbery of motor vehicle).

(v) Aggravated assault, 18 Pa.C.S. § 2702 (relating to aggravated assault).

(vi) Statutory sexual assault, 18 Pa.C.S. § 3122.1 (relating to statutory sexual assault).

(vii) Involuntary deviate sexual intercourse, 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).

(viii) Sexual assault, 18 Pa.C.S. § 3124.1 (relating to sexual assault).

(ix) Aggravated indecent assault, 18 Pa.C.S. § 3125 (relating to aggravated indecent assault).

(x) Kidnapping, 18 Pa.C.S. § 2901 (relating to kidnapping).

(xi) Arson, 18 Pa.C.S. § 3301 (relating to arson and related offenses).

(xii) Burglary, 18 Pa.C.S. § 3502 (relating to burglary) involving a structure adapted for overnight accommodation.

(xiii) Terroristic threats, 18 Pa.C.S. § 2706 (relating to terroristic threats).

(xiv) Stalking, 18 Pa.C.S. § 2709.1 (relating to stalking).

(xv) Causing or risking catastrophe, 18 Pa.C.S. § 3302 (relating to causing or risking catastrophe).

(xvi) Riot, 18 Pa.C.S. § 5501 (relating to riot).

(xvii) Felonious violations of The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780-143).

(xviii) Felonious intimidation of witnesses or victims, 18 Pa.C.S. § 4952 (relating to intimidation of witnesses or victims).

(xix) Felonious retaliation against witness, victim or party, 18 Pa.C.S. § 4953 (relating to retaliation against witness, victim or party).

(2) The juvenile is alleged to be delinquent on the basis of an offense which involved the use or possession of a firearm or explosives, or an offense—other than mere possession—which involved the use or possession of a deadly weapon—other than a firearm or explosives—as defined in 18 Pa.C.S. § 2301 (relating to definitions).

(3) The juvenile is alleged to be delinquent on the basis of an offense which is classified as a felony and one of the following exists:

(i) The juvenile is currently on probation, being supervised under a consent decree, or otherwise under the supervision of the court following an adjudication of delinquency.

(ii) The juvenile has been found to be delinquent within the preceding 18 months.

(4) The juvenile is alleged to be delinquent and is in violation of conditions of house arrest, in-home detention, electronic monitoring, shelter care or other nonsecure placement, ordered or authorized as an alternative to secure detention.

(5) The juvenile is on probation or is otherwise under the supervision of a court following an adjudication of delinquency, based on a felony, and is alleged to have committed a delinquent act or to have twice violated technical conditions of probation or other postadjudication supervision.

(6) The juvenile or juvenile's attorney has voluntarily and in writing requested placement in secure detention for the protection of the juvenile, in which case immediate release shall occur upon the request of the juvenile or attorney.

§ 200.4. Detention required because the juvenile may abscond or be removed from the jurisdiction of the court.

A juvenile may not be detained in secure detention under 42 Pa.C.S. §§ 6325, 6326 and 6331 (relating to detention of child; release or delivery to court; and release from detention or commencement of proceedings) because the juvenile may abscond or be removed from the jurisdiction of the court unless one of the following occurs:

(1) The juvenile is an absconder from an institution or other placement to which the juvenile was committed as a result of a previous adjudication of delinquency.

(2) The juvenile has willfully failed to appear at the hearing on the petition or other hearing after having been served with a court order or summons to appear.

(3) The juvenile has a recent demonstrable record of willful failure to appear at previous juvenile proceedings.

(4) The juvenile has been verified to be a fugitive from another jurisdiction, an official from which has requested that the juvenile be detained.

(5) The juvenile absconded from secure detention, shelter care, in-home detention, house arrest or other nonsecure placement, or while subject to electronic monitoring, ordered or authorized pending a court hearing or placement.

(6) The juvenile presents extraordinary circumstances requiring secure detention to prevent the juvenile from absconding. The circumstances may include, but are not limited to, the juvenile's age, character, mental condition, ties to the community, the nature of the juvenile's family relationships, drug or alcohol addiction or substance abuse.

§ 200.5. Detention required because the juvenile has no parent, guardian or custodian.

A juvenile may not be detained in secure detention under 42 Pa.C.S. §§ 6325, 6326 and 6331 (relating to detention of child; release or delivery to court; and release from detention or commencement of proceedings) solely because the juvenile has no parent, guardian, custodian or other person able to provide supervision and care and capable of returning the juvenile to the court when required.

§ 200.6. Postadjudication detention pending disposition.

A juvenile whom the court has found to have committed the act by reason of which the juvenile was alleged to be delinquent or whom the court has found to be delinquent

may not be held in secure detention pending disposition unless one of the following exists:

(1) The adjudication or finding was based on an offense for which detention was or could have been authorized or ordered under § 200.3 (relating to detention required to protect the person or property of others or of the juvenile).

(2) The juvenile was initially detained, was eligible for detention, or, based on more recent information, would now be eligible for detention under § 200.4 (relating to detention required because the juvenile may abscond or be removed from the jurisdiction of the court) and the court determines detention to be required.

(3) The court has determined that placement of the juvenile at disposition is probable and continued detention is required prior to disposition based upon consideration of the following factors:

(i) The nature of the substantiated offense.

(ii) The juvenile's employment and student status.

(iii) The nature of the juvenile's family relationships.

(iv) The juvenile's past and present residences.

(v) The juvenile's age, character, mental condition, previous juvenile record, and drug or alcohol addiction or substance abuse.

(vi) If the juvenile has previously been released pending a court proceeding, whether the child appeared as required.

(vii) Other facts relevant to whether the juvenile has strong ties with the community or is likely to flee the jurisdiction.

§ 200.7. Postdisposition detention awaiting placement.

A delinquent juvenile whom the court has committed to an institution or other placement, who was otherwise ordered removed from his home at disposition may not be held in secure detention pending transfer to the placement unless one of the following exists:

(1) The juvenile was found to be delinquent on the basis of an offense for which detention would be permitted under § 200.3 (relating to detention required to protect the person or property of others or of the juvenile).

(2) The juvenile was initially detained, was eligible for detention or based on more recent information would now be eligible for detention under § 200.4 (relating to detention required because the juvenile may abscond or be removed from the jurisdiction of the court).

(3) The juvenile is awaiting placement in a Youth Development Center secure unit or other secure residential treatment program.

(4) The juvenile is awaiting placement and the court has determined that secure detention is required pending transfer to the placement based upon consideration of the factors delineated in § 200.6(3) (relating to postadjudication detention pending disposition).

§ 200.8. Detention pending or subsequent to a dispositional review proceeding.

A juvenile may not be detained in secure detention pending or subsequent to a dispositional review proceeding unless one of the following occurs:

(1) The juvenile is in placement or is awaiting transfer to a Youth Development Center secure unit or other secure residential treatment program.

(2) The juvenile was returned from placement for failure to adjust.

(3) Secure detention is otherwise required based upon consideration of the factors delineated in § 200.6(3) (relating to postadjudication detention pending disposition).

§ 200.9. Authorization for detention in cases of extraordinary and exceptional circumstances.

(a) A juvenile may be detained in secure detention even if this subchapter does not otherwise authorize detention if the following are met:

(1) The facts present extraordinary and exceptional circumstances which require the use of secure detention.

(2) A statement of reasons accompanying the detention includes an explanation of why an exception was warranted and why nonsecure options were rejected.

(b) Detention under this section may not be authorized routinely or because nonsecure alternatives do not exist in adequate numbers, but only in the exceptional and extraordinary case.

(c) Secure detention is not to be used when a juvenile alleged to be delinquent cannot be released solely because there is no parent, guardian or custodian able to assume responsibility or adequately supervise the juvenile.

Subchapter B. STANDARDS GOVERNING HEARINGS AND ADMINISTRATIVE REVIEWS FOR JUVENILES HELD IN SECURE DETENTION

§ 200.101. Preadjudication detention. (See Pa.R.J.C.P. 242(D), 391 and 404(A))

(a) Within 72 hours of the admission of a juvenile to secure detention, the informal detention hearing shall be held.

(b) If a juvenile remains detained after the hearing, a petition shall be filed with the clerk of courts within 24 hours or the next court business day.

(c) If a juvenile is detained, an adjudication hearing shall be held no later than 10 days after the filing of the petition.

(d) Except as provided in paragraphs (1) and (2), if the adjudicatory hearing is not held or notice of request for transfer is not submitted within the 10-day period, the juvenile shall be released.

(1) A juvenile may be detained for an additional single period not to exceed 10 days when the court determines that the following exist:

(i) Evidence material to the case is unavailable.

(ii) Due diligence to obtain the evidence has been exercised.

(iii) There are reasonable grounds to believe that the evidence will be available at a later date.

(iv) The detention of the juvenile would be warranted.

(2) A juvenile may be detained for successive 10-day intervals if the delay is caused by the juvenile. The court shall state on the record if failure to hold the hearing resulted from delay caused by the juvenile. Delay caused by the juvenile includes, but is not be limited to, one or more of the following:

(i) Delay caused by the unavailability of the juvenile or the juvenile's attorney.

(ii) Delay caused by any continuance granted at the request of the juvenile or the juvenile's attorney.

(iii) Delay caused by the unavailability of a witness resulting from conduct by or on behalf of the juvenile.

§ 200.102. Postadjudication/predisposition detention. (See Pa.R.J.C.P. 510)

(a) Within 20 days of a finding by the court that a juvenile has committed a delinquent act, a disposition hearing or a hearing to determine the need for continued secure detention shall be held.

(b) Within 20 days of this hearing, if the disposition hearing has not been held or a final dispositional order entered, a hearing shall be held to review the status of the case and to determine the need for continued secure detention.

(c) Until a disposition or a specific placement is ordered by the court, the court shall hold a hearing by the 20th day from the most recent court proceeding to review the status of the case and to determine the need for continued secure detention.

§ 200.103. Postdisposition/preplacement detention.

(a) At the 10th and 20th days from the most recent court proceeding, the court or designee shall administratively review the status of the case and determine the need for continued secure detention.

(b) Within 30 days of the most recent court proceeding, a hearing shall be held to review the status of the case and to determine the need for continued secure detention.

(c) Subsequent administrative reviews and hearings shall continue to be held pursuant to these time frames until the child is admitted to a dispositional placement or is otherwise released from secure detention.

§ 200.104. Detention pending a disposition review proceeding for failure to adjust in placement. (See Pa.R.J.C.P. 605 and 610)

(a) Within 72 hours of the admission of a juvenile to secure detention, an informal detention hearing shall be held.

(b) Within 20 days of the most recent court proceeding, or from the date of admission to secure detention if no informal detention hearing was required, the disposition review hearing or a hearing to determine the need for continued secure detention shall be held.

(c) Until a specific disposition order is entered, the court shall hold a hearing by the 20th day from the most recent court proceeding to review the status of the case and to determine the need for continued secure detention.

§ 200.105. Detention pending a disposition review proceeding for violation of probation. (See Pa.R.J.C.P. 605, 610 and 612)

(a) Within 72 hours of the admission of a juvenile to secure detention for a violation of probation, an informal detention hearing shall be held.

(b) Within 10 days of the informal detention hearing, a hearing on the motion to modify or revoke probation shall be held.

(c) Unless a new dispositional order is entered, a hearing to determine the need for continued secure detention shall be held within 20 days of the hearing on the motion to modify or revoke probation.

(d) Until a new dispositional order is entered, the court shall hold a hearing by the 20th day from the most recent

court proceeding to review the status of the case and to determine the need for continued secure detention.

§ 200.106. Detention subsequent to an order resulting from a disposition review proceeding, where a specific placement or disposition has been ordered.

(a) At the 10th and 20th days from the most recent court proceeding, the court or designee shall administratively review the status of the case and determine the need for continued secure detention.

(b) Within 30 days of the most recent court proceeding, a hearing shall be held to review the status of the case and to determine the need for continued secure detention.

(c) Subsequent hearings and reviews shall be held pursuant to these time frames until the juvenile is admitted to a dispositional placement, or is otherwise released from secure detention.

§ 200.107. Responsibility of probation officer.

(a) The chief juvenile probation officer or designee shall provide to the court information necessary to ensure that juveniles placed in secure detention have the continued appropriateness of their detention determined by the court in accordance with this subchapter.

(b) Note: An administrative review of a case should entail consideration of the information relevant to an understanding of why the juvenile is being held in secure detention, whether secure detention services or an alternative thereto continue to be required and what must occur to enable the juvenile to be released or transferred to another facility. It is not intended that the juvenile be present during these reviews.

(c) Administrative reviews should serve to minimize delays in the release or transfer of a juvenile by helping to ensure that individuals are carrying out their respective responsibilities related to the juvenile's case. At the conclusion of each review, the juvenile's anticipated date of release or transfer should be noted, together with the date of the next administrative review or hearing and any actions which are to occur prior thereto. Administrative reviews are to be documented in the juvenile's case file or record.

[Pa.B. Doc. No. 07-638. Filed for public inspection April 13, 2007, 9:00 a.m.]

NOTICES

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Consolidated Plan; 2006 Annual Performance and Evaluation Report

The Department of Community and Economic Development (Department) is preparing its Consolidated Annual Performance and Evaluation Report (CAPER) on the progress and accomplishments made during 2006 in implementing the Commonwealth's Consolidated Plan for Federal Fiscal Years 2004-2008. This document must be submitted to, and approved by, the United States Department of Housing and Urban Development (HUD) for the Commonwealth and organizations within this Commonwealth to receive funding under most HUD housing and community development programs. The Consolidated Plan creates a unified strategy for housing and community development programs, as well as the necessary linkages for building successful neighborhoods and communities.

The Commonwealth has allocated funds under several programs, namely: Community Development Block Grant, HOME Investment Partnerships, Emergency Shelter Grant and Housing Opportunities for Persons with AIDS. The CAPER discusses accomplishments in relation to goals and objectives identified in the Action Plan of the Consolidated Plan.

The CAPER assesses the goals and objectives of this strategic plan; how the Commonwealth is affirmatively futherfing fair and affordable housing; the activities of the Continuum of Care; as well as how resources in community development and housing are being leveraged.

Individuals or organizations may provide written comments regarding the CAPER. The report will be available for review at www.newPA.com or for more information, call (717) 787-5327. Comments will be accepted about funded activities, community development, housing, the content of the CAPER and the process by which the public input is gathered. The Commonwealth encourages public participation in this process.

Written comments will be accepted until 5 p.m. on April 30, 2007, and should be sent Lauren Atwell, Department of Community and Economic Development, Center for Community Development, Office of Community Development, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225.

DENNIS YABLONSKY,
Secretary

[Pa.B. Doc. No. 07-639. Filed for public inspection April 13, 2007, 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 will hold a meeting on Wednesday, April 25, 2007, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, 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.

MICHAEL DIBERARDINIS,
Secretary

[Pa.B. Doc. No. 07-640. Filed for public inspection April 13, 2007, 9:00 a.m.]

Retention of Two Underwater Diving Consultants; Project Reference No. FDC-500-702

The Department of Conservation and Natural Resources (Department) will retain two underwater diving consultants for open-end contracts for the underwater inspection of hydraulic structures for dams owned and operated by the Bureau of State Parks and the Bureau of Forestry. Each contract will be for a 12-month period with four 12-month extensions possible. Projects will be assigned on an as-needed basis to ensure proper and safe operation of Department infrastructure and facilities. One contract will be primarily for various projects at facilities located in the eastern half portion of this Commonwealth, and one contract will be primarily for projects at facilities located in the western half of this Commonwealth.

Typical work may consist of the inspection of control tower structures and intake structures and their appurtenances including sluice gates, trash racks, valves, ladders, pipe conduits, and the like. Each field inspection shall be supplemented by a written inspection report and an electronic version. The electronic version shall be compatible with the Department's computer system.

Letters of Interest for this project will only be accepted from individuals, firms or corporations who are certified professional divers having been trained in the inspection and evaluation of hydraulic structures. If an individual, firm or corporation not authorized to engage in the inspection and evaluation of hydraulic structures desires to submit a letter of interest, said individual, firm or corporation may do so as part of a joint venture with an individual, firm or corporation who is trained in the inspection and evaluation of hydraulic structures.

Sections 105.52 and 105.53 of 25 Pa. Code (relating to inspect and inspections by owners and inspection reports), details the conditions and requirements of inspections and their corresponding reports that are to be prepared for our submission to the Department, Bureau of Waterways Engineering and Division of Dam Safety.

General Requirements are as Follows

1. All divers shall be certified professional divers. All diving operations shall be performed in accordance with the latest revisions of the Association of Diving Contractors Consensus Standards for Commercial Diving Operations and the OSHA Commercial Diving Regulations (1810 OSHA Subpart T) in conjunction with the United States Navy Diving Manual.

2. The consultant dive team shall be trained and experienced in the inspection and evaluation of hydraulic structures. The dive team shall consist of three to five man dive crews dependent on the complexity of the inspection. The dive team shall have an effective blend of diving and engineering expertise and be knowledgeable in the inspection of the structural and nonstructural components of a dam. The dive team shall be familiar with the inspection of concrete structures, sluice gates, trash racks, gate valves, concrete conduits, and the like.

3. Firms shall be responsible for providing their own equipment for the field inspection.

4. All diving to be performed will be surface-supplied air diving. Divers shall be equipped with helmets with two-way communication. Continuous two-way voice communication shall be provided between all divers and the surface crew at all times.

5. The dive consultant shall upon notification be able to respond to a site within 24 hours. In the event of an emergency, as perceived by the Department, the dive consultant may be required to mobilize in a shorter period of time.

6. The underwater inspection shall be supplemented by a written report of the observations made. The inspection report shall include descriptions, locations, measurements and sketches for each inspection performed. The inspection report shall document all areas of deterioration, voids, damage, and the like, discovered during the inspection. Four copies of the inspection report shall be submitted to the Department. Each dam inspection shall be submitted as a separate report.

7. The inspection report shall also include a compact disc of the entire inspection to document typical conditions encountered and areas of distress. The video inspection equipment shall be equipment useful and required to view and record underwater inspections as clear pictures. Narration of the inspection shall be included on the video. Four copies of the video inspection shall be submitted along with four copies of the written inspection report for each dam. Only one dam inspection shall be included on each disc. All discs shall be clearly marked with the name of the dam and the inspection date.

Each underwater consulting firm will be evaluated upon, but not limited to, the following criteria:

1. Professional qualifications, experience and technical competence of personnel proposed to perform the assignment. Evaluation will consider relevant past experience, education, training, registration, certification and longevity with the firm. Evaluation shall include familiarity with OSHA Commercial Diving Regulations and the Association of Diving Contractors Standards.

2. Record of satisfactory performance by the firm on similar assignments. This record shall establish the ability to properly manage the project in terms of costs, quality control and performance schedules. Names and telephone numbers of references shall be included.

3. Specialized experience with specific application to dams in Pennsylvania.

The number of open-end contracts and the dollar amount of each contract shall be at the discretion of the Department for the first year. The extent of the work for the subsequent 4 years of the contract will be dependent on the availability of additional funds and additional projects for those years, also at the discretion of the Department.

Special Provisions Concerning Disadvantaged Businesses and Enterprise Zone Businesses for Requests for Proposals

Part I. General Information

Disadvantaged Business Information

The Issuing Office encourages participation by small disadvantaged businesses as prime contractors, joint ventures and subcontractors/suppliers and by socially disadvantaged businesses as prime contractors.

Small Disadvantaged Businesses are small businesses that are owned or controlled by a majority of persons, not limited to members of minority groups, who have been deprived of the opportunity to develop and maintain a competitive position in the economy because of social disadvantages. The term includes:

a. Department of General Services Bureau of Minority and Women Business Opportunities (BMWBO)-certified minority business enterprises (MBEs) and women business enterprises (WBEs) that qualify as small businesses.

b. United States Small Business Administration-certified small disadvantaged businesses or 8(a) small disadvantaged business concerns.

Small businesses are businesses in the United States that are independently owned, are not dominant in their field of operation, employ no more than 100 persons and earn less than \$20 million in gross annual revenues (\$25 million in gross annual revenues for those businesses in the information technology sales or service business).

Socially disadvantaged businesses are businesses in the United States that BMWBO determines are owned or controlled by a majority of persons, not limited to members of minority groups, who are subject to racial or ethnic prejudice or cultural bias, but which do not qualify as small businesses. For a business to qualify as "socially disadvantaged," the offeror must include in its proposal clear and convincing evidence to establish that the business has personally suffered racial or ethnic prejudice or cultural bias stemming from the business person's color, ethnic origin or gender.

Questions regarding this program should be directed to Department of General Services, Bureau of Minority and Women Business Opportunities, Room 611, North Office Building, Harrisburg, PA 17125, (717) 787-6708, fax (717) 772-0021, gs-bmwbo@state.pa.us.

Program information and a database of BMWBO-certified minority- and women-owned businesses can be accessed at www.dgs.state.pa.us, Keyword: BMWBO. The Federal vendor database can be accessed at www.ccr.gov by clicking on "Dynamic Small Business Search" (certified companies are so indicated).

Information Concerning Small Businesses in Enterprise Zones

The Issuing Office encourages participation by small businesses, whose primary or headquarters facility is physically located in areas this Commonwealth has identified as Designated Enterprise Zones, as prime contractors, joint ventures and subcontractors/suppliers.

The definition of headquarters includes but is not limited to an office or location that is the administrative center of a business or enterprise where most of the important functions of the business are conducted or concentrated and location where employees are conducting the business of the company on a regular and routine basis so as to contribute to the economic development of the geographical area in which the office or business is geographically located.

Small businesses are businesses in the United States that are independently owned, are not dominant in their field of operation, employ no more than 100 persons and earn less than \$20 million in gross annual revenues (\$25 million in gross annual revenues for those businesses in the information technology sales or service business).

There is no database or directory of small business located in Designated Enterprise Zones. Information on the location of Designated Enterprise Zones can be obtained by contacting Aldona M. Kartorie, Center for Community Building, Department of Community and Economic Development, 4th Floor Keystone Building, 400 North Street, Harrisburg, PA 17120-0225, (717) 720-7409, fax (717) 787-4088, akartorie@state.pa.us.

Part II. Disadvantaged Businesses Submittal

a. Disadvantaged Business Information

i. To receive credit for being a Small Disadvantaged Business or a Socially Disadvantaged Business or for entering into a joint venture agreement with a Small Disadvantaged Business or for subcontracting with a Small Disadvantaged Business (including purchasing supplies and/or services through a purchase agreement), an Offeror must include proof of Disadvantaged Business qualification in the Disadvantaged Business Submittal of the proposal, as indicated as follows:

1. Small Disadvantaged Businesses certified by BMWBO as an MBE/WBE must provide a photocopy of their BMWBO certificate.

2. Small Disadvantaged Businesses certified by the United States Small Business Administration under section 8(a) of the Small Business Act (15 U.S.C.A. § 636(a)) as an 8(a) or small disadvantaged business must submit proof of United States Small Business Administration certification. The owners of these businesses must also submit proof of United States citizenship.

3. All businesses claiming Small Disadvantaged Business status, whether as a result of BMWBO certification or United States Small Business Administration certification as an 8(a) or small disadvantaged business, must attest to the fact that the business has 100 or fewer employees.

4. All businesses claiming Small Disadvantaged Business status, whether as a result of BMWBO certification or United States Small Business Administration certification as an 8(a) or small disadvantaged business, must submit proof that their gross annual revenues are less than \$20,000,000 (\$25,000,000 for those businesses in the information technology sales or service business). This can be accomplished by including a recent tax return or audited financial statement.

ii. All companies claiming status as a Socially Disadvantaged Business must include in the Disadvantaged Business submittal of the proposal clear and convincing evidence to establish that the business has personally suffered racial or ethnic prejudice or cultural bias stemming from the business person's color, ethnic origin or gender. The submitted evidence of prejudice or bias must:

1. Be rooted in treatment which the business person has experienced in American society, not in other countries.

2. Show prejudice or bias that is chronic and substantial, not fleeting or insignificant.

3. Indicate that the businessperson's experience with the racial or ethnic prejudice or cultural bias has negatively impacted on his or her entry into and/or advancement in the business world.

BMWBO shall determine whether the contractor has established that a business is socially disadvantaged by clear and convincing evidence.

iii. In addition to the above verifications, the offeror must include in the Disadvantaged Business Submittal of the proposal the following information:

1. The name and telephone number of the Offeror's project (contact) person for the Small Disadvantaged Business.

2. The business name, address, name and telephone number of the primary contact person for each Small Disadvantaged Business included in the proposal. The Offeror must specify each Small Disadvantaged Business to which it is making commitments. The Offeror will not receive credit for stating that it will find a Small Disadvantaged Business after the contract is awarded or for listing several businesses and stating that one will be selected later.

3. The specific work, goods or services each Small Disadvantaged Business will perform or provide.

4. The estimated dollar value of the contract to each Small Disadvantaged Business.

5. Of the estimated dollar value of the contract to each Small Disadvantaged Business, the percent of the total value of services or products purchased or subcontracted that will be provided by the Small Disadvantaged Business directly.

6. The location where each Small Disadvantaged Business will perform these services.

7. The timeframe for each Small Disadvantaged Business to provide or deliver the goods or services.

8. The amount of capital, if any, each Small Disadvantaged Business will be expected to provide.

9. The form and amount of compensation each Small Disadvantaged Business will receive.

10. For a joint venture agreement, a copy of the agreement, signed by all parties.

11. For a subcontract, a signed subcontract or letter of intent.

iv. The Offeror is required to submit only one copy of its Disadvantaged Business Submittal. The submittal shall be clearly identified as Disadvantaged Business information and sealed in its own envelope, separate from the remainder of the proposal.

v. The Offeror must include the dollar value of the commitment to each Small Disadvantaged Business in

the same sealed envelope with its Disadvantaged Business Submittal. The following will become a contractual obligation once the contract is fully executed:

1. The amount of the selected Offeror's Disadvantaged Business commitment;

2. The name of each Small Disadvantaged Business; and

3. The services each Small Disadvantaged Business will provide, including the timeframe for performing the services.

vi. A Small Disadvantaged Business can be included as a subcontractor with as many prime contractors as it chooses in separate proposals.

vii. An Offeror that qualifies as a Small Disadvantaged Business and submits a proposal as a prime contractor is not prohibited from being included as a subcontractor in separate proposals submitted by other Offerors.

b. Enterprise Zone Small Business Participation.

i. To receive credit for being an enterprise zone small business or entering into a joint venture agreement with an enterprise zone small business or subcontracting with an enterprise zone small business, an Offeror must include the following information in the Disadvantaged Business Submittal of the proposal:

1. Proof of the location of the business' headquarters (such as a lease or deed or Department of State corporate registration), including a description of those activities that occur at the site to support the other businesses in the enterprise zone.

2. Confirmation of the enterprise zone in which it is located (obtained from the local enterprise zone office).

3. Proof of United States citizenship of the owners of the business.

4. Certification that the business employs 100 or fewer employees.

5. Proof that the business' gross annual revenues are less than \$20,000,000 (\$25,000,000 for those businesses in the information technology sales or service business). This can be accomplished by including a recent tax return or audited financial statement.

6. Documentation of business organization, if applicable, such as articles of incorporation, partnership agreement or other documents of organization.

ii. In addition to the above verifications, the Offeror must include in the Disadvantaged Business Submittal of the proposal the following information:

1. The name and telephone number of the Offeror's project (contact) person for the Enterprise Zone Small Business.

2. The business name, address, name and telephone number of the primary contact person for each Enterprise Zone Small Business included in the proposal. The Offeror must specify each Enterprise Zone Small Business to which it is making commitments. The Offeror will not receive credit for stating that it will find an Enterprise Zone Small Business after the contract is awarded or for listing several businesses and stating that one will be selected later.

3. The specific work, goods or services each Enterprise Zone Small Business will perform or provide.

4. The estimated dollar value of the contract to each Enterprise Zone Small Business.

5. Of the estimated dollar value of the contract to each Enterprise Zone Small Business, the percent of the total value of services or products purchased or subcontracted that each Enterprise Zone Small Business will provide.

6. The location where each Enterprise Zone Small Business will perform these services.

7. The time frame for each Enterprise Zone Small Business to provide or deliver the goods or services.

8. The amount of capital, if any, each Enterprise Zone Small Business will be expected to provide.

9. The form and amount of compensation each Enterprise Zone Small Business will receive.

10. For a joint venture agreement, a copy of the agreement, signed by all parties.

11. For a subcontract, a signed subcontract or letter of intent.

iii. The dollar value of the commitment to each Enterprise Zone Small Business must be included in the same sealed envelope with the Disadvantaged Business Submittal of the proposal. The following will become a contractual obligation once the contract is fully executed:

1. The amount of the selected Offeror's Enterprise Zone Small Business commitment.

2. The name of each Enterprise Zone Small Business.

3. The services each Enterprise Zone Small Business will provide, including the timeframe for performing the services.

Part III. Criteria for Selection

Disadvantaged Business Participation

Evaluation will be based upon the following in order of priority:

Priority Rank 1	Proposals submitted by Small Disadvantaged Businesses.
Priority Rank 2	Proposals submitted from a joint venture with a Small Disadvantaged Business as a joint venture partner.
Priority Rank 3	Proposals submitted with subcontracting commitments to Small Disadvantaged Businesses.
Priority Rank 4	Proposals submitted by Socially Disadvantaged Businesses.

Each proposal will be rated for its approach to enhancing the utilization of Small Disadvantaged Businesses and/or Socially Disadvantaged Businesses. Each approach will be evaluated, with Priority Rank 1 receiving the highest score and the succeeding options receiving scores in accordance with the listed priority ranking.

To the extent that an Offeror qualifies as a Small Disadvantaged Business or a Socially Disadvantaged Business, the Small Disadvantaged Business or Socially Disadvantaged Business cannot enter into subcontract arrangements for more than 40% of the total estimated dollar amount of the contract. If a Small Disadvantaged Business or a Socially Disadvantaged Business subcontracts more than 40% of the total estimated dollar amount of the contract to other contractors, the Disadvantaged Business Participation scoring shall be proportionally lower for that proposal.

Enterprise Zone Small Business Participation

The following options will be considered as part of the final criteria for selection:

- Priority Rank 1 Proposals submitted by an Enterprise Zone Small Business will receive the highest score.
- Priority Rank 2 Proposals submitted by a joint venture with an Enterprise Zone Small Business as a joint venture partner will receive the next highest score for this criterion.
- Priority Rank 3 Proposals submitted with a subcontracting commitment to an Enterprise Zone Small Business will receive the lowest score for this criterion.
- Priority Rank 4 Proposals with no Enterprise Zone Small Business Utilization shall receive no points under this criterion.

To the extent that an Offeror is an Enterprise Zone Small Business, the Offeror cannot enter into contract or subcontract arrangements for more than 40% of the total estimated dollar amount of the contract in order to qualify as an Enterprise Zone Small Business for purposes of this RFP.

Part IV. Work Statement

Contract Requirements—Disadvantaged Business Participation and Enterprise Zone Small Business Participation

All contracts containing Disadvantaged Business participation and/or Enterprise Zone Small Business participation must also include a provision requiring the selected contractor to meet and maintain those commitments made to Disadvantaged Businesses and/or Enterprise Zone Small Businesses at the time of proposal submittal or contract negotiation, unless a change in the commitment is approved by the BMWBO. All contracts containing Disadvantaged Business participation and/or Enterprise Zone Small Business participation must include a provision requiring Small Disadvantaged Business subcontractors, Enterprise Zone Small Business subcontractors and Small Disadvantaged Businesses or Enterprise Zone Small Businesses in a joint venture to perform at least 50% of the subcontract or Small Disadvantaged Business/Enterprise Zone Small Business participation portion of the joint venture.

The selected contractor's commitments to Disadvantaged Businesses and/or Enterprise Zone Small Businesses made at the time of proposal submittal or contract negotiation shall be maintained throughout the term of the contract. Any proposed change must be submitted to BMWBO, which will make a recommendation to the Contracting Officer regarding a course of action.

If a contract is assigned to another contractor, the new contractor must maintain the Disadvantaged Business participation and/or Enterprise Zone Small Business participation of the original contract.

The selected contractor shall complete the Prime Contractor's Quarterly Utilization Report (or similar type document containing the same information) and submit it to the contracting officer of the Issuing Office and BMWBO within 10 workdays at the end of each quarter the contract is in force. This information will be used to determine the actual dollar amount paid to Small Disadvantaged Business and/or Enterprise Zone Small Business subcontractors and suppliers, and Small Disadvantaged Business and/or Enterprise Zone Small Business participants involved in joint ventures. Also, this informa-

tion will serve as a record of fulfillment of the commitment the selected contractor made and for which it received Disadvantaged Business and Enterprise Zone Small Business points. If there was no activity during the quarter then the form must be completed by stating "No activity in this quarter."

Note: Equal employment opportunity and contract compliance statements referring to company equal employment opportunity policies or past contract compliance practices do not constitute proof of disadvantaged businesses status or entitle an Offeror to receive credit for Disadvantaged Businesses Utilization.

General Requirements and Information

Firms interested in performing the required services for this project are invited to submit Letters of Interest to Eugene J. Comoss, P. E., Director, Bureau of Facility Design and Construction, Rachel Carson State Office Building, 8th Floor, 400 Market Street, P. O. Box 8451, Harrisburg, PA 17105-8451. Contact Edward Raptosh at (717) 783-3329 for general information concerning the underwater inspection work.

Each Letter of Interest must include the firm's Federal identification number and the project reference number. The Letter of Interest shall also include a description of the firm's three most recently completed projects similar to the project proposed. The description shall include the client, contact person and phone number, the estimated or actual construction cost of the portion of the work which the firm designed, the project manager and the names of all personnel who made major contributions to the project. The Letter of Interest shall indicate the firm's capability of working on multiple small projects at the same time and understanding of the Department's needs. A standard DGS Form 150-ASP must accompany the Letter of Interest and shall indicate the individual in charge. The Form 150-ASP is available by downloading from DGS home page on the Internet at www.dgs.state.pa.us. Form 150-ASP may also be obtained in hard copy. Written request for hard copy should be addressed to the Selections Committee, Department of General Services, Room 206, 18th and Herr Streets, Harrisburg, PA 17125. In addition, the Form 150-ASP can be obtained by e-mail by addressing your request to pbianchi@state.pa.us. Additional information pertinent to the firm's qualifications to do the work of this contract may be included.

Direct costs other than payroll, such as travel and subsistence, shall be based on the current State rates. Miscellaneous expenses such as copies, prints, sepias, postage and film shall be reimbursed at cost upon approval by the Department.

The following factors will be considered during the evaluation of the firm's Letter of Interest:

Criteria evaluated by the Technical review will include:

1. Professional's understanding of the problem as demonstrated in Letter of Interest, and as stated in their own interpretation of the tasks to be performed.
2. Qualifications of firm.
3. Professional personnel in firm.
4. Soundness of approach as demonstrated in Letter of Interest, and as stated in their own interpretation of the tasks to be performed.
5. Available manpower to perform the services required.
6. Disadvantaged Businesses participation. (Evaluated by DGS)
7. Equitable distribution of the contracts.

Each proposer shall relate their proposal to the above criteria.

One copy of the Disadvantaged Business section bound and sealed separately from the remainder of the proposal and six copies of the complete set consisting of the Letter of Interest and the required forms must be received no later than 4 p.m. on May 18, 2007. The six copies shall be submitted in six complete sets that shall be spiral bound or in folders or secured by binder clips. The assignment and services will be made to two of the firms responding to this notice. However, the Department reserves the right to reject all Letters of Interest submitted, cancel the solicitation requested under this notice, and/or readvertise solicitation for this service.

The Department will not offer a debriefing session to the unsuccessful firms. The Department disclaims any liability whatsoever to its review of the proposal submitted and in formulating a recommendation for selections. Recommendations made by the Department shall be final.

MICHAEL F. DIBERARDINIS,
Secretary

[Pa.B. Doc. No. 07-641. Filed for public inspection April 13, 2007, 9:00 a.m.]

DEPARTMENT OF CORRECTIONS

Bid Opportunities

R106-SMI-008. Electrical Components for Classroom Instruction manufactured by PACE, Tektronix and BK Precisions. Bid specifications and equipment data is available from the requesting agency. Vendors must provide a PA vendor number to receive a bid. The location is SCI-Smithfield, 1120 Pike Street, Huntingdon, PA 16652. The duration of the contract is May 8 through June 30, 2007. The bid opening date is April 24, 2007, at 2:30 p.m. For further information, contact Peggy Chilcote at SCI-Smithfield, (814) 643-2400, Ext. 367, fax (814) 506-1181, pchilcote@state.pa.us.

JEFFREY A. BEARD,
Secretary

[Pa.B. Doc. No. 07-642. Filed for public inspection April 13, 2007, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

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

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

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

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

Persons wishing to comment on an NPDES application are invited to submit a statement to the regional office noted before an application within 30 days from the date of this public notice. Persons wishing to comment on a WQM permit

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

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

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

I. NPDES Renewal Applications

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

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

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0082996 (Sew)	Mt. Zion School of Ministry 74 Harrison School Road Grantville, PA 17028	Lebanon County East Hanover Township	UNT Indiantown Run 7-D	Y
PA0088749 (Sew)	Adams County Board of Commissioners 111—117 Baltimore Street Gettysburg, PA 17325	Adams County Straban Township	Beaverdam Creek 7-F	Y
PA0084425 (Sew)	Conewago Township Sewer Authority 600 Locust Point Road York, PA 17406	York County Conewago Township	Little Conewago Creek 7-F	Y
PA0023744 (Sew)	Northeastern York County Sewer Authority P. O. Box 516 175 Chestnut Street Mount Wolf, PA 17347	York County East Manchester Township	Susquehanna River 7-H	Y
PA0083607 (Sew)	Union Township 3111 SR 72 Jonestown, PA 17038	Lebanon County Union Township	Forge Creek 7-D	Y
PA0020222 (Sew)	Terre Hill Borough P. O. Box 250 300 Broad Street Terre Hill, PA 17581-0250	Lancaster County East Earl Township	Black Creek 7-J	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>
PA0100099 (Sewage)	Harmony Area School District 5239 Ridge Road Westover, PA 16692	Burnside Township Clearfield County	UNT to Beaver Run CWF	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>
PA0005045	First Energy Generation Corp. Seneca Generating Station P. O. Box 126 Warren, PA 16365	Mead Township Warren County	Allegheny River 16-B	Y
PA0102644	Williams Mobile Home Park 320 Dinnerbell Road Butler, PA 16002-8899	Penn Township Butler County	UNT to Thorn Creek 20-C	Y
PA0222259	Heckathorne United Methodist Church SFTF 605 Heckathorne Church Road Seneca, PA 16346-3915	Venango County Cranberry Township	UNT to Halls Run 16-G	Y
PA0238601	Elmer Sutton MHP STP Oak Leaf Lane Butler, PA 16001	Butler County Clay Township	UNT to Glade Run 20-C	Y

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

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

PA0026450, Sewage, SIC 4952, **Bristol Township**, 2501 Bath Road, Bristol, PA 19007. This proposed facility is located in Bristol Township, **Bucks County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge 2.25 mgd of treated sewage into the Delaware River, Zone 2.

The receiving stream, the Delaware River, is in the State Water Plan Watershed 2E and is classified for WWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Philadelphia Suburban Water Company is located on the Delaware River and is 1.5 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 2.25 mgd.

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
BOD ₅ (Percent Removal)	≥88.5		
CBOD ₅	19	29	38
Total Residual Chlorine	0.6		1.3
Suspended Solids	30	45	60
Suspended Solids (Percent Removal)	≥85		
Ammonia (as N)	35.0		70.0
CBOD ₂₀	590 (lbs/day)		
Fecal Coliform	200 colonies/100 ml as a geometric average, 1,000 #/100 ml		
pH	Within limits of 6.0 to 9.0 standard units at all times		
Dissolved Oxygen	2.0 Minimum		
Toxicity (Chronic) TUc	Monitor and Report		
Toxicity (Acute) TUa	Monitor and Report		

The proposed effluent limits for Stormwater Monitoring Point MP 101 are as follows:

<i>Parameter</i>	<i>Average Annual (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
CBOD ₅	Monitor and Report	Monitor and Report
COD	Monitor and Report	Monitor and Report
Suspended Solids	Monitor and Report	Monitor and Report
Oil and Grease	Monitor and Report	Monitor and Report
pH	Monitor and Report	Monitor and Report
Total Kjeldahl Nitrogen	Monitor and Report	Monitor and Report
Total Phosphorus	Monitor and Report	Monitor and Report
Iron (Dissolved)	Monitor and Report	Monitor and Report

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

The EPA waiver is not in effect.

Conditions for future permit modification.

Implementation of industrial pretreatment program requirements.

Effective disinfection.

88.5% reduction of BOD₅ per DRBC requirements.
Stormwater Requirements.

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

Application No. PA0246409, Concentrated Animal Feeding Operation (CAFO), Bill and Nanette Furnia, 2538 Risser Mill Road, Mount Joy, PA 17552.

Bill and Nanette Furnia have submitted an NPDES permit application for renewal of NPDES permit for the Egg Basket Farm, an existing layer, horse and heifer operation located in Mount Joy Township, Lancaster County. The existing operation includes four layer houses, one heifer barn and one horse and heifer barn. The CAFO is situated near Little Chickies Creek (Watershed 7-G), which is classified as a TSE. The CAFO has a target animal population of approximately 1,456 animal equivalent units (AEUs) consisting of 432,000 layers, 20 heifers and three horses. There are no liquid or semisolid manure storage facilities on the farm and all layer manure is stored as solid litter within the barns. Horse and heifer manure is either collected and composted or applied directly to pasture. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

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

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

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

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

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

Application No. PA0260169, Concentrated Animal Feeding Operation (CAFO), **Elmer King Farm**, R. D. No. 1, Box 57, East Waterford, PA 17021.

Elmer and Nelson King have submitted an application for an Individual NPDES permit for an existing CAFO known as the Elmer King Farm, located in Lack Township, Juniata County. The farm is proposing to expand through the addition of a second poultry barn. The farm is situated near a UNT of Dougherty Run, which is classified for HQ-CWF. Following expansion, the CAFO will be designed to maintain an animal population of approximately 733 animal equivalent units (AEUs) consisting of 222,090 layers.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to reissue the NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit. The permit application and draft permit are on file at the Southcentral Regional Office of the Department. Persons may make an appointment to review the Department's files by calling the file review coordinator at (717) 705-4732.

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

Application No. PA0260444, Industrial Waste, SIC Code, **Wissahickon Spring Water, Inc.**, 315 South Front Street, Hamburg, PA 19526. This facility is located in Hamburg Borough, **Berks County**.

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

The receiving stream, Kaercher Creek, is in Watershed 3-B and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Borough of Pottstown Water and Sewer Authority located on the Schuylkill River, approximately 31 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.1008 mgd are:

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Lead	0.007	0.015	0.0009	0.018	0.023
Total Thallium	0.005	0.010	0.006	0.012	0.015

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Suspended Solids			Monitor and Report	Monitor and Report	75
Total Dissolved Solids			1,000	2,000	2,500
Temperature			Monitor and Report	Monitor and Report	110° F
Oil and Grease			15	30	30
pH			From 6.0 to 9.0 standard units inclusive		

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

The EPA waiver is in effect.

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

PA0228982, CAFO, SIC 0259, **James Kurtz**, 1070 Grande Valley Road, Mifflinburg, PA 17844. This existing facility is located in West Buffalo Township, **Union County**.

Description of Proposed Activity: Jim Kurtz Farm is an existing duck farm, totaling 63.1 Animal Equivalent Units (AEUs).

The water body nearest to this facility is a UNT to Buffalo Creek in the Buffalo Creek Watershed (SWP-10C) and has a designated use of CWF.

Except for the chronic or catastrophic rainfall events defined as over 25-year/24-hour rainstorms, the CAFO permit is a nondischarge NPDES permit. Where applicable compliance with 40 CFR Federal effluent limitation guidelines is required. The permit requires no other numeric effluent limitations. Compliance with the Pennsylvania Nutrient Management Act and The Clean Streams Law constitutes compliance with State narrative water quality standards.

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

1. Compliance with the Farm's Nutrient Management Plan.
2. Compliance with the Farm's Preparedness, Prevention and Contingency Plan.
3. Compliance with the Farm's Erosion & Sedimentation Control Plan for plowing and tilling.
4. Erosion & Sedimentation Control Plan requirements for stormwater during construction activities.
5. Animal mortality handling and disposing requirements.
6. Certification requirements for manure storage facilities.
7. Requirements for storage of feed and other raw materials.
8. Best Management Practices requirements.

The EPA waiver will not be in effect.

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

PA0044326, Industrial Waste, SIC, 4953, **MAX Environmental Technologies, Inc.**, 233 MAX Lane, Yukon, PA, 15698. This application is for renewal of an NPDES permit to discharge treated process water and stormwater from its Bulger Plant in Smith Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, Raccoon Creek and Little Raccoon Creek, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Raccoon Creek State Park located at Hookstown, approximately 13 miles below the discharge point.

*Outfall 001**: existing discharge, design flow of 0.075 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
TSS			30	60	75**
Oil and Grease			15		30
Total Residual Chlorine ¹			0.5		1.25
Ammonia-Nitrogen					
Permit effective date				125	
through 24 months	Monitor and Report				
25 months through expiration			45		90
Dichlorobromomethane ¹				Monitor and Report	
Aluminum			2.0	4.0	5.0**

<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>
Iron, Total			3.5	7.0	8.75**
Nickel			1.0	2.0	2.5**
pH	not less than 6.0 nor greater than 9.0				

¹Monitoring requirement applies only when chlorination is used at this facility.

*Note that these limits also apply to Outfall No. 016 (discharge period November—April).

**Imposed only for enforcement purposes only.

Outfalls 004 and 005

<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>
Total Suspended Solids			Monitor and Report		
Iron, Total			Monitor and Report		
Aluminum, Total			Monitor and Report		
Manganese, Total			Monitor and Report		
Zinc, Total			Monitor and Report		
Total Dissolved Solids			Monitor and Report		
Nitrate + Nitrite Nitrogen			Monitor and Report		
Fluoride			Monitor and Report		
Phenols, Total			Monitor and Report		
Total Residual Chlorine			Monitor and Report		

Outfalls 006 and 007

<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>
These outfalls shall consist solely of uncontaminated stormwater runoff.					

Outfalls 013 and 014

<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>
Total Suspended Solids			Monitor and Report		
Iron, Total			Monitor and Report		
Aluminum, Total			Monitor and Report		
Manganese, Total			Monitor and Report		
Zinc, Total			Monitor and Report		
Nitrate + Nitrite Nitrogen			Monitor and Report		

Outfall 015

<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>
Total Suspended Solids			Monitor and Report		
Iron, Total			Monitor and Report		
Aluminum, Total			Monitor and Report		
Manganese, Total			Monitor and Report		
Zinc, Total			Monitor and Report		
Total Kjeldahl Nitrogen			Monitor and Report		
Titanium, Total			Monitor and Report		
Methyl Bromide			Monitor and Report		
pH			Monitor and Report		

Outfall 101: existing discharge ($w_f = 0.075$ mgd).

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Antimony			1.9		3.8

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Arsenic			1.4		2.8
Barium			1.2		2.4
Beryllium			0.82		1.64
Cadmium			0.69		1.4
Chromium (T)			2.77		5.54
Cyanide (T)			1.2		2.4
Fluoride			35		69
Lead			0.69		1.4
Mercury			0.15		0.30
Nickel			3.98		8.0
Selenium			0.82		1.64
Silver			0.43		0.86
Sulfide			14		28

PA0205222-A1, Industrial Waste, SIC 3312, **IPSCO Koppel Tubulars Corporation**, P. O. Box 750, Beaver Falls, PA 15010. This application is for the amendment of an NPDES permit to discharge treated process water, cooling water and stormwater from the Koppel Plant in Koppel Borough, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, Beaver River and a UNT to Beaver River, classified as WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Beaver Falls Municipal Authority, located at P. O. Box 400, Beaver Falls, PA 15010, 7.11 miles below the discharge point.

Outfall 002: existing discharge, design flow of 0.115 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
Oil and Grease					30
Temperature (° F)					110
pH	not less than 6.0 nor greater than 9.0 standard units				

Outfalls 005 and 009: existing stormwater discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
These outfalls are permitted to discharge uncontaminated stormwater runoff from areas in an around the facility.					

Outfall 006: existing stormwater discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Oil and Grease					Monitor and Report
CBOD ₅					Monitor and Report
COD					Monitor and Report
Suspended Solids					Monitor and Report
Total Kjeldahl Nitrogen					Monitor and Report
pH					Monitor and Report

Other Conditions: A special condition was added to manage excursions during continuous pH monitoring.

The EPA waiver is in effect.

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

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

WQM Permit No. 1507404, Sewerage, **Westtown School**, P. O. Box 1799, Westtown, PA 19395. This proposed facility is located Westtown Township, **Chester County**.

Description of Action/Activity: Construction of a new 10" forcemain to serve newly constructed high school.

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

WQM Permit No. 0107401, Sewerage, **Hamilton Township**, 272 Mummerts Church Road, Abbottstown, PA 17301. This proposed facility is located in Hamilton Township, **Adams County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of a sanitary sewer pump station and sewer extension to serve Alwine Meadows. Sewer will connect to the Route 94 interceptor and the Berwick Treatment facility.

WQM Permit No. 3807401, Sewerage, **Millcreek-Richland Joint Authority**, 2 North Race Street, Richland, PA 17087-0280. This proposed facility is located in Millcreek Township, **Lebanon County**.

Description of Proposed Action/Activity: Seeking permit approval for the modifications to Pump Station No. 1 including the elimination of existing dry well pump station and conversion of existing wet well to submersible.

WQM Permit No. 2207401, Sewerage, **Lower Paxton Township Authority**, 425 Prince Street, Suite 139, Harrisburg, PA 17109. This proposed facility is located in Lower Paxton Township, **Dauphin County**.

Description of Proposed Action/Activity: Seeking permit approval for the Valley Road and Winfield Street sanitary sewer replacement project.

WQM Permit No. 6707403, Sewerage, **York Township Water & Sewer Authority**, 190 Oak Road, Dallastown, PA 17133-9300. This proposed facility is located in York Township, **York County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of sanitary sewers to serve the Southwood Residential Condominium.

WQM Permit No. 6707404, Sewerage, **Manchester Township Municipal Authority**, 3200 Farmtrail Road, York, PA 17406. This proposed facility is located in Manchester Township, **York County**.

Description of Proposed Action/Activity: Seeking permit approval for sewer improvements including the phaseout Blackbridge Road Pump Station No. 5—Project 14 and replace with a new interceptor.

WQM Permit No. 6707405, Sewerage, **Manchester Township Municipal Authority**, 3200 Farmtrail Road, York, PA 17406. This proposed facility is located in Manchester Township, **York County**.

Description of Proposed Action/Activity: Seeking permit approval for sewer improvements including improvements to the North George Street Relief Interceptor—Phase II—Project 15.

WQM Permit No. 5007401, Sewerage, **HAMM Equities, LLC**, Carl J. Davis, 1002 Monroe Boulevard, King of Prussia, PA 19406. This proposed facility is located in Howe Township, **Perry County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of a small flow sewage treatment system to serve the Buffalo Crossing commercial retail development.

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

WQM Permit No. 1407403, Sewerage (4952), **Day Family Trust—Apartment House Tract**, 10 James Street, Mill Hall, PA 17751. This proposed facility is located in Liberty Township, **Centre County**.

Description of Proposed Action/Activity: The applicant is proposing to construct and operate a 1,600 gpd small flow sewage treatment facility for a 4 unit apartment complex. The treatment will consist of 2 septic tanks, 3 peat Bio-filters and ultraviolet disinfection. NPDES Permit No. PAG0229130 will cover the discharge to a UNT to Hunter Run, a CWF.

WQM Permit No. WQM5504701, Sewerage 4952, **Eastern Snyder County Regional Authority**, P. O. Box 330, 870 S. Front Street, Selinsgrove, PA 17870. This facility is located in Monroe Township, **Snyder County**.

Description of Proposed Action/Activity: The applicant is proposing to replace approximately 950 feet of its main interceptor sewer line to correct problems within their wastewater conveyance system.

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

WQM Permit No. 3007201, Industrial Waste, **CNX Gas Company, LLC**, 100 Evergreen Drive, Waynesburg, PA 15370. This proposed facility is located in Freeport Township, **Greene County**.

Description of Proposed Action/Activity: Application for the construction and operation of a Coalbed Methane wastewater treatment facility.

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

WQM Permit No. 3707401, Sewerage, **Green Meadows Mobile Home Park**, 2186 White Oak Trail, Warrior, AL 35180. This proposed facility is located in New Beaver Borough, **Lawrence County**.

Description of Proposed Action/Activity: This project is for a new package plant to replace 2 malfunctioning systems which serve the existing mobile home park.

WQM Permit No. 4207401, Sewerage, **Foster Township**, 1185 East Main Street, Bradford, PA 16701. This proposed facility is located in Foster Township, **McKean County**.

Description of Proposed Action/Activity: This project is for the construction of sewer line extensions and two pump stations to serve the South Kendall Avenue/Rew Area of Foster Township.

WQM Permit No. 2007402, Sewerage, **Cambridge Area Joint Authority**, 161 Carringer Street, Cambridge Springs, PA 16403. This proposed facility is located in Cambridge Springs Borough and Cambridge Township, **Crawford County**.

Description of Proposed Action/Activity: This project is for upgrades to the Grant Street pump station, construction of equalization storage and new treatment facilities and conversion of the existing Grant Street treatment site to a solids handling and dewatering facility. A new influent headworks facility with screening, grit removal and raw wastewater pumps will also be installed at the Grant Street treatment 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

Central Office: Bureau of Abandoned Mine Reclamation, 400 Market Street, Floor 5, P. O. Box 8476, Harrisburg, PA 17105-8476.

<i>NPDES Permit No.</i>	<i>Application Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI101807001	BAMR P. O. Box 8479 Harrisburg, PA 17105-8476 (717) 783-1311	Clinton County	East Keating Township	Rock Run and UNT to Camp Run to Cooks Run HQ-CWF

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

Lehigh County Conservation District: Lehigh Agriculture 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>
PAI023907010	Dino Daddona Double D Holding 7785 Spring Creek Road Macungie, PA 18062	Lehigh	Upper Milford Township	Saucon Creek HQ-CWF
PAI023907011	John Gould Northwestern Lehigh School Dist. 6493 Route 309 New Tripoli, PA 18066	Lehigh	Weisenberg Township	Lyon Creek HQ-CWF, MF
PAS10Q216R	Michael Weaver Spring Ridge Crossing, LP 1750 Walton Road Blue Bell, PA 19422	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF

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>
PAI052607001	Department of Interior Ft. Necessity National Battlefield 1 Washington Parkway Farmington, PA 15437	Fayette	Wharton Township	UNT to Meadow Run HQ-CWF

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

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

**PUBLIC WATER SUPPLY (PWS)
PERMIT**

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

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

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

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

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

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Application No. 3907502, Public Water Supply.
 Applicant **Lehigh County Authority**
 Upper Macungie Township
 Lehigh County
 Responsible Official Aurel M. Arndt, General Manager
 Lehigh County Authority
 1053 Spruce Street
 P. O. Box 3348
 Allentown, PA 18106
 (610) 398-2503
 Type of Facility Community Water System
 Consulting Engineer Charles E. Volk, P. E.
 ARRO Consulting, Inc.
 1050 Glenlivet Drive
 Allentown, PA 18106
 (484) 664-7310
 Application Received Date March 16, 2007

Description of Action Application for construction of two new wells, to include treatment facilities, instrumentation and controls to partially replace lost capacity of two wells in the Central Lehigh Division that were removed from service.

Application No. 3907503, Public Water Supply.
 Applicant **Borough of Alburdis**
 Alburdis Borough
 Lehigh County
 Responsible Official Steven R. Hill, President
 Alburdis Borough Council
 260 Franklin Street
 P. O. Box 435
 Alburdis, PA 18011-0435
 (610) 966-4771/9661
 Type of Facility Community Water System
 Consulting Engineer Ricky L. Moyer, P. E.
 McTish, Kunkel & Associates
 3500 Winchester Road
 Suite 300
 Allentown, PA 18104
 (610) 841-2700
 Application Received Date March 15, 2007

Description of Action Application for construction of a booster pump station for Well No. 4.
Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit No. 3606520, Public Water Supply.
 Applicant **West Earl Water Authority**
 Municipality West Earl Township
 County Lancaster
 Responsible Official Russell Ressler, Chairperson
 157 West Metzler Road
 Brownstown, PA 17508
 Type of Facility Public Water Supply
 Consulting Engineer Cynthia L. Zawrotuck, P. E.
 ARRO Consulting, Inc.
 270 Granite Run Drive
 Lancaster, PA 17601
 Application Received: December 6, 2006
 Description of Action Construction of a 400,000-gallon Hydropillar elevated storage tank to be located near Hilltop Drive in West Earl Township.

Permit No. 2207503, Public Water Supply.
 Applicant **United Water Pennsylvania**
 Municipality Susquehanna Township
 County Dauphin
 Responsible Official John D. Hollenbach, Vice President
 4211 East Park Circle
 Harrisburg, PA 17111-0151

Type of Facility	Public Water Supply
Consulting Engineer	Arthur Saunders, P. E. United Water Pennsylvania 4211 East Park Circle Harrisburg, PA 17111
Application Received:	March 12, 2007
Description of Action	Construction of a booster pumping station for the Deer Path Woods development.

MINOR AMENDMENT

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Application Minor Amendment.

Applicant	Borough of Schuylkill Haven Borough of Schuylkill Haven
Responsible Official	James R. New Borough Administrator Borough of Schuylkill Haven 12 West Main Street Schuylkill Haven, PA 17972 (570) 527-0161
Type of Facility	Community Water System
Consulting Engineer	Kirt Ervin, P.E. United States Engineering, LLC 75 Jardin Circle Highland, IL 62249 (314) 614-9120
Application Received Date	March 7, 2007
Description of Action	PWS application for cleaning and painting Schuylkill Haven finished water storage Tank No. 1, repair of the tank foundation and replacement of the tank roof vent.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under ACT 2, 1995

PREAMBLE 1

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

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

brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

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

Southco, Inc. Brandywine Facility, Concord Township, Delaware County. C. Peter Barringer, Services Environmental, Inc., 375 Morgan Street, PA 19460 on behalf of David Gibson, Esq. Southco, Inc., 210 N. Brinton Lake Road, Concordville, PA 19331 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of inorganics. The future use of the site will remain the same.

Mutter & Stauffer Auto, East Greenville Borough, Montgomery County. Andrew W. Meadows, The Cardinal Group, Inc., 828 N. Hanover Street, Pottstown, PA 19464 on behalf of Elmer A. Stauffer and Anita S. Stauffer, Leo D. Mutter and Faye Mutter, 1665 Swamp Pike, Gilbertsville, PA 19525 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted by release of leaded and unleaded gasoline. The future use of the site will remain the same.

Rodriguez Residence, Upper Merion Township, Montgomery County. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pottstown, PA 18073 on behalf of Leonora Rodriguez, 546 N. Henderson Road, King of Prussia, PA 19406 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of no. 2 fuel oil. The intended future use of the site is residential.

961 Layfield Road, Prop. New Hanover Township, **Montgomery County**. Jason Pero, DelVal Soil and Env. Consultants, Inc., 4050 Skyron Drive, Suite A-1, Doylestown, PA 18901 on behalf of David Orff, 195 Papermill Road, Barto, PA 19504 has submitted a Notice of Intent to Remediate. Soil at site has been impacted by release of inorganic. The future of the property is unknown at this time.

Norwood Building, East Whiteland Township, **Chester County**. Mike Christie, Penn E&R, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Guy Wolfington, Malvern Hill Assoc. III, L.P., 2701 Renaissance Boulevard, 4th Floor, King of Prussia, PA 19406 submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of PAH's. The proposed future use of the property will be mixed use residential, office and retail.

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

Lyman Witmer Residence, Pine Grove Township, **Schuylkill County**. Ryan C. Winnan, Strob Environmental, Inc., 410 North Easton Road, Willow Grove, PA 19090 has submitted a Notice of Intent to Remediate (on behalf of his client, Lyman Witmer, 212 Tremont Road, Pine Grove, PA 17963) concerning the remediation of soils impacted by an accidental release of No. 2 fuel oil. The application proposes to remediate the site to meet the Residential Statewide Health Standard. Future use of the property will remain residential. 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.

Bethlehem Apparatus, Hellertown Borough, **Northampton County**. Vincent Carbone, Professional Geologist, HDR Engineering, Inc., 609 Hamilton Mall, The Sovereign Building, Allentown, PA 18101 has submitted a Notice of Intent to Remediate (on behalf of his client, Bruce Lawrence, Bethlehem Apparatus Company, Inc., 890 Front Street, Hellertown, PA 18055 concerning the remediation of soils found to have been impacted by mercury as a result of historic fill materials located on the property. The applicant proposes to remediate the site to meet the Statewide Health Standard. The proposed future use of the property will be for residential use. A summary of the Notice of Intent to Remediate was reportedly published in the *Express-Times* on March 15, 2007.

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

Brickstone Development—Wyomissing, Borough of Wyomissing, **Berks County**. Ransom Environmental, 2127 Hamilton Avenue, Hamilton, NJ 08619 on behalf of JMH, Inc., 200 North Park Road, Suite 400, Wyomissing, PA 19610; The Brickstone Companies, Mellon Independence Center, 701 Market Street, Philadelphia, PA 19106 and Bozzuto Development Company, 7850 Walker Drive, Suite 400, Greenbelt, MD 20770-3203, submitted a Notice of Intent to Remediate site soils contaminated with arsenic. The property was the site of a former industrial facility and future use is a mixture of residential and commercial units. The applicant is seeking to remediate to a Site-Specific 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.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

Permit ID No. 300370. Allegheny Energy Supply Company, LLC, 800 Cabin Hill Drive, Greensburg, PA 15601. Hatfield's Ferry Power Station CCB Landfill, Route 21, Masontown, PA 15461. An application for the permit renewal of a residual waste landfill, in Monongahela Township, **Greene County**, was received in the Regional Office on April 2, 2007.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

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

PLAN APPROVALS

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

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

66-318-006: Procter & Gamble Paper Products, Co. (P. O. Box 32, Mehoopany, PA 18629) for modification of existing code dater equipment at their facility on Route 87, Washington Township, **Wyoming County**.

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

21-05049B: Pennsy Supply, Inc. (1001 Paxton Street, Harrisburg, PA 17104) for installation of a limestone crushing plant at the company's Penn Township Quarry in Penn Township, **Cumberland County**. The crushing plant is subject to 40 CFR Part 60, Subpart 000—Standards of Performance for Nonmetallic Mineral Crushing Plants.

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, Thomas McGinley, New Source Review Chief, (484) 250-5920.

15-0094B: Metallurgical Products Co., Inc. (P. O. Box 598, West Chester, PA 19381) for installation of two copper and alloys furnaces and a modification of existing furnace with the Associated Air Pollution Control Devices (furnaces) at the Metallurgical Products Company, Inc., metal alloying facility at 810 Lincoln Avenue, West Chester, PA 19380, West Goshen Township, **Chester County**. The installation and modification of furnaces may result in the emissions of 14.63 tpy of PM with an aerodynamic diameter of 10 micrometer or smaller and 2.5 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.

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

06-03063C: East Penn Manufacturing Co., Inc. (P. O. Box 147, Deka Road, Lyons Station, PA 19536-0147) for construction of two small lead parts casters and associated lead pots and modification of the associated fabric collector and HEPA filter at their Kutztown Plant in the Borough of Kutztown, **Berks County**. The facility is a nonTitle V (State-only) facility. The collectors will be modified by increasing the air volume capacity. The

approval will include monitoring, work practices, testing, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

22-03073: Advanced Communications, Inc. (1000 North Cameron Street, Harrisburg, PA 17103) for installation of three heatset web offset printing presses controlled by a regenerative thermal oxidizer at their facility in the City of Harrisburg, **Dauphin County**. Overall VOC emissions are not expected to exceed 1.1 tpy (after control). The plan approval shall contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

17-313-001: Sunnyside Ethanol, LLC (5000 McKnight Road, Suite 405, Pittsburgh, PA 15237) for construction of an ethanol production plant, CO₂ liquefaction plant and waste coal-fired cogeneration plant in Curwensville Borough, **Clearfield County**.

The respective facility, if constructed, will be a major facility for which a Title V Operating Permit will have to be obtained.

The facility will consist of an 88 mg/y ethanol production plant, a 220,000 ton per year CO₂ liquefaction plant, a 496.8 million Btu/hr waste bituminous coal-fired circulating fluid bed boiler, a 76 million Btu/hr natural gas No. 2 fuel oil-fired auxiliary boiler, corn, waste coal, limestone, ash and DDGS (dry distillers grain with solubles) handling, processing and storage operations, ethanol, and the like, storage tanks, ethanol railcar/truck loading operations, three cooling towers, three 2,681 horsepower diesel-fired emergency generators and two 360 horsepower diesel-fired fire pump engines.

The PM emissions including PM10 from the circulating fluid bed boiler will be controlled by a fabric collector, the NOx emissions will be controlled by a selective noncatalytic reduction system and the SOx emissions will be controlled by limestone injection in the circulating fluid bed boiler's fluidized bed and the use of either a flash dryer absorber or a spray dryer absorber. The VOC and volatile HAP emissions from the ethanol production plant will be controlled by three packed bed scrubbers and by ducting the exhaust of one of the scrubbers to the carbon dioxide liquefaction plant. The VOC and volatile HAP emissions from the ethanol, and the like, storage tanks will be controlled by internal floating decks. The VOC and volatile HAP emissions from the ethanol railcar/truck loading operations will be controlled by an enclosed flare. The PM10 emissions from the grain, waste coal, limestone and DDGS handling, processing and storage operations will be controlled by 11 fabric collectors and the VOC and HAP emissions from the DDGS processing system will be controlled by ducting them to the circulating fluid bed boiler. The PM10 emissions from the ash handling and storage operations will be controlled by a fabric collector and a pug mill. The PM10 emissions from the three cooling towers will be controlled by drift eliminators.

The ethanol production facility will emit up to 171 tons of NOx, 435.93 tons of SOx, 130.12 tons of PM10 (filterable and condensable combined), 330.73 tons of CO, 37.58 tons of VOC, 21.76 tons of sulfuric acid mist, 14.15 tons of ammonia, 2.22 tons of volatile HAPs, 9.94 tons of

hydrogen chloride, 3.05 tons of hydrogen fluoride, 123.6 pounds of lead, 2.1 pounds of mercury and 37.34 pounds of beryllium per year.

The facility's NO_x emissions are subject to the New Source Review requirements of 25 Pa. Code §§ 127.201—127.217. The Department of Environmental Protection has determined that the proposed level of NO_x control will satisfy the lowest achievable emission rate (LAER) requirement of these regulations and also, under 25 Pa. Code § 127.205(5), that the benefits of the proposed facility will significantly outweigh the environmental and social costs associated with the facility. The Department has also determined that Sunnyside Ethanol, LLC must obtain 196.65 tons of NO_x emission reduction credits before the facility may begin operation. Sunnyside Ethanol, LLC has committed to obtaining these emission reduction credits in a timely fashion.

The facility's NO_x, CO, SO_x, PM/PM10 and sulfuric acid mist emissions are subject to the Prevention of Significant Deterioration (PSD) requirements of 40 CFR 52.21 and 25 Pa. Code § 127.83. The Department has determined that the proposed level of NO_x, CO, SO_x, PM/PM10 and sulfuric acid mist control will satisfy the best available control technology (BACT) requirement of these regulations and that the proposed level of emission of these air contaminants from the facility will not cause a violation of any National Ambient Air Quality Standard.

The total amount of ambient air increment consumed at the respective site, including the impact of the proposed facility, is projected to be 10.2 micrograms per cubic meter of the allowable 25 micrograms per cubic meter annual NO_x increment, 28.2 micrograms per cubic meter of the allowable 30 micrograms per cubic meter 24 hour PM10 increment, 6.2 micrograms per cubic meter of the allowable 17 micrograms per cubic meter annual PM10 increment, 275.9 micrograms per cubic meter of the allowable 512 micrograms per cubic meter 3 hour SO₂ increment, 74.4 micrograms per cubic meter of the allowable 91 micrograms per cubic meter 24 hour SO₂ increment and 13.9 micrograms per cubic meter of the allowable 20 micrograms per cubic meter annual SO₂ increment.

The Prevention of Significant Deterioration regulations also require an analysis of the impact of the facility's emissions on visibility, soils and vegetation. The Department has determined that there will be no adverse impact to soils or vegetation and that significant visibility impairment is not anticipated in the vicinity of the facility.

All of the air contaminant emissions to be emitted from the facility are subject to the BAT requirement of 25 Pa. Code §§ 127.1 and 127.12. The Department has determined that the proposed level of control for all air contaminants will satisfy this requirement.

The facility will also be subject to the air contaminant emission limitations and control requirements of 25 Pa. Code §§ 123.1, 123.2, 123.11, 123.13, 123.21, 123.22, 123.31, 123.41 and 129.56 and Subparts Db, Dc, Kb, Y, VV and IIII of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.40b—60.49b, 60.40c—60.48c, 60.110b—60.117b, 60.250—60.254, 60.480—60.489 and 60.4200—60.4219. The Department has determined that the facility will comply with the applicable requirements of these regulations.

The Department's review of the information submitted by Sunnyside Ethanol, LLC indicates that the proposed facility will comply with all applicable Air Quality regulatory requirements pertaining to air contamination sources

and the emission of air contaminants. Based on this finding, the Department proposes to issue plan approval for the construction of the respective facility.

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

1. The ethanol production plant, CO₂ liquefaction plant and waste coal-fired cogeneration plant are to be constructed in accordance with the plans submitted with the application (as approved herein).

2. This plan approval is issued for the construction of an 88 million gallon per year ethanol production plant, a 220,000 tpy CO₂ liquefaction plant and a 24.7 megawatt waste coal-fired cogeneration plant.

The ethanol production plant shall be comprised of the following:

a. Grain Receiving Operation

- two railcar dump pits.
- one truck dump pit
- grain receiving building and such associated augers, belt conveyors, bucket elevators, and the like as are identified in the application and supplemental materials submitted for plan approval.

b. Grain Storage

- two 493,000-bushel capacity corn storage bins and such associated belt conveyors, and the like as are identified in the application and supplemental materials submitted for plan approval.

c. Milling Operation

- one 4,800 bushel per hour scalper/screen
- four 1,500 bushel per hour hammermills
- one surge bin and such associated belt conveyors, bucket elevators, rotary feeders, weighing belt systems, etc. as are identified in the application and supplemental materials submitted for plan approval.

d. Fermentation Operation

- one ammonia storage tank
- one alpha-amylase storage tank
- one slurry mix tank
- two liquefaction tanks
- one sulfuric acid storage tank
- one gluco-amylase storage tank
- one urea storage tank
- one yeast propagation tank
- six 763,000-gallon fermenters
- one 910,000-gallon beer well

e. Distillation Operation

- two 44 million gallon per year distillation systems, each incorporating the following:
 - one beer column
 - one rectifier column
 - one stripper column
 - three evaporators
 - one dehydration system
 - one acid reduction system
 - one 488,800-gallon process condensate storage tank

f. DDGS (dry distiller's grain with solubles) Processing System

- four centrifuges
- one 355,800-gallon whole stillage storage tank
- one 259,200-gallon thin stillage storage tank
- one mixing paddle
- five steam tube dryers
- one DDGS cooling system and such associated belt conveyors, etc. as are identified in the application and supplemental materials submitted for plan approval.

g. DDGS Loadout Operation

- DDGS storage building
- telescoping, boom type, remote controlled DDGS loading spouts and such associated hoppers, belt conveyors, screw conveyors, bucket elevators, and the like as are identified in the application and supplemental materials submitted for plan approval.

h. Wetcake Loadout Operation

- wetcake storage building and such associated belt conveyors, screw conveyors, etc. as are identified in the application and supplemental materials submitted for plan approval.

i. Storage Tanks

- two 250,000-gallon aboveground ethanol day tanks
- one 88,000-gallon aboveground denaturant (gasoline) storage tank
- two 1,000,000-gallon aboveground denatured ethanol storage tanks
- one 30,000-gallon aboveground No. 2 fuel oil storage tank

j. Ethanol Loadout Operation

- one railcar loadout rack
- one truck loadout rack

k. one 1,800,000 gallon per hour, factory-assembled, eight cell, mechanical draft wet cooling tower

l. one 360-horsepower diesel-fired fire pump engine

The CO₂ liquefaction plant shall be comprised of the following:

- a. one 220,000 ton per year CO₂ Liquefaction Plant which incorporates such associated coolers, condensers, driers, absorbers, water knockouts, vents, and the like as are identified in the application and supplemental materials submitted for plan approval.
- b. one 144,000 gallon per hour, six-cell evaporative condenser used to cool the ammonia system associated with the CO₂ plant.

The waste coal-fired cogeneration plant shall be comprised of the following:

- a. one 496.8 million Btu per hour of heat input waste coal-fired circulating fluidized bed (CFB) boiler
- b. one nominal 24.7 megawatt steam turbine generator
- c. one No. 2 fuel oil/natural gas-fired 76 million Btu per hour of heat input auxiliary boiler
- d. one 960,000 gallon per hour, factory-assembled, two-cell, mechanical draft wet cooling tower

e. three 2,681 horsepower diesel-fired emergency generators

f. one 360 horsepower diesel-fired fire pump engine

g. waste coal handling, processing and storage operations

- waste coal railcar unloading operation
- enclosed waste coal bunker
- enclosed screening and crushing building
- screen, crusher and associated conveyors
- enclosed boiler house building
- four waste coal day bins

h. limestone handling and storage operations

- 1,200 ton limestone storage silo
- two limestone day bins
- pneumatic conveying system

i. ash handling, processing and storage operations

- 2,000 ton ash storage silo
- pneumatic conveying system
- ash hoppers, pug mill and extending ash discharge spout

3. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the PM and PM10 emissions from the grain receiving operation shall be controlled by the grain receiving fabric collector (CE001). Within 30 days of the selection of the specific collector the permittee proposes to install, the permittee shall notify the Department of the manufacturer and model of the specific collector selected and shall additionally, at the same time, submit to the Department for review specifications for the collector that are comprehensive enough to allow the Department to determine if the selected collector is equivalent to that proposed in the plan approval application.

4. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the grain receiving fabric collector shall have an effective air-to-cloth ratio under actual conditions of no more than 8:1 and the collector bags shall be cleaned using reverse air jets.

5. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the PM emissions from the grain receiving fabric collector shall not exceed 0.0025 grain per dry standard cubic foot of effluent gas volume and 0.857 pound per hour and the PM10 emissions shall not exceed 0.0025 grain per dry standard cubic foot of effluent gas volume and 0.857 pound per hour. Additionally, there shall be no visible emissions from the fabric collector (other than water vapor or steam).

6. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the total combined PM emissions from the grain receiving operation, including fugitive PM emissions, shall not exceed 7.17 tons in any 12-consecutive month period.

7. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as

well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the total combined PM10 emissions from the grain receiving operation, including fugitive PM10 emissions, shall not exceed 4.49 tons in any 12-consecutive month period.

8. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the grain receiving building shall be maintained under negative pressure by the grain receiving fabric collector at all times that grain is being received, transferred or stored within the building. Additionally, all of the building's potential openings shall be closed during unloading operations and PM collection points shall be placed within the building adjacent to all locations where grain enters.

9. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the grain receiving fabric collector shall capture, at a minimum, 80% of the PM and PM10 emissions generated from the grain receiving operations.

10. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the facility shall receive no more than 34.78 million bushels of grain in any 12-consecutive month period. Records shall be maintained of the amount of grain (bushels) received during each month. All records generated under this condition shall be retained for at least 5 years and shall be made available to the Department upon request.

11. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall submit semi-annual reports to the Department listing the amount of grain received at the facility during each month of the respective reporting period. Each semi-annual report shall be submitted to the Department by no later than September 1 (for the immediately-preceding January 1 through June 30 period) and March 1 (for the immediately-preceding July 1 through December 31 period).

12. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the maximum railcar-to-dump pit grain drop height shall not exceed 6 feet.

13. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, trucks shall unload grain only within a totally enclosed building.

14. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, all railcar dump pits shall be aspirated to the grain receiving fabric collector.

15. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, all conveyors associated with the grain receiving operation which are located outside of a fully enclosed building shall be fully enclosed.

16. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as

well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, within 180 days of commencing operation of the grain receiving operation, the permittee shall perform stack testing on the grain receiving fabric collector to determine its PM and PM10 emission rates. All testing is to be performed using test methods and procedures which are acceptable to the Department while the grain receiving operation is in use.

17. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the PM and PM10 source testing required by condition in paragraph (16) herein shall be repeated once every two years after initial testing occurs.

18. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the PM and PM10 emissions from each of the corn bins shall be controlled by a corn bin fabric collector (one per bin, CE002 and CE003). Within 30 days of the selection of the specific collectors the permittee proposes to install, the permittee shall notify the Department of the manufacturer and model of the specific collectors selected and shall additionally, at the same time, submit to the Department for review specifications for the collectors that are comprehensive enough to allow the Department to determine if the selected collectors are equivalent to those proposed in the plan approval application.

19. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, each of the corn bin fabric collectors shall have an effective air-to-cloth ratio under actual conditions of no more than 8:1 and the collector bags shall be cleaned using reverse air jets.

20. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the PM emissions from each of the corn bin fabric collectors shall not exceed 0.0025 grain per dry standard cubic foot of effluent gas volume and 0.0107 pound per hour and the PM10 emissions shall not exceed 0.0025 grain per dry standard cubic foot of effluent gas volume and 0.0107 pound per hour. Additionally, there shall be no visible emissions from these fabric collectors (other than water vapor or steam).

21. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the total combined PM emissions from the two corn bins shall not exceed 0.094 ton in any 12-consecutive month period.

22. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the total combined PM10 emissions from the two corn bins shall not exceed 0.094 ton in any 12-consecutive month period.

23. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the corn bins shall not vent to the atmosphere through any route other than their associated fabric collectors.

24. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and

127.12, the PM and PM10 emissions from the surge bin and scalper screen incorporated in the milling operation shall be controlled by the surge bin fabric collector (CE004) and the PM and PM10 emissions from the four hammermills incorporated in the milling operation shall be controlled by the hammermill fabric collector (CE005). Within 30 days of the selection of the specific collectors the permittee proposes to install, the permittee shall notify the Department of the manufacturer and model of the specific collectors selected and shall additionally, at the same time, submit to the Department for review specifications for the collectors that are comprehensive enough to allow the Department to determine if the selected collectors are equivalent to those proposed in the plan approval application.

25. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the surge bin fabric collector and the hammermill fabric collector shall have an effective air-to-cloth ratio under actual conditions of no more than 8:1 and the collector bags shall be cleaned using reverse air jets.

26. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the PM emissions from the surge bin fabric collector shall not exceed 0.0025 grain per dry standard cubic foot of effluent gas volume and 0.0107 pound per hour and the PM10 emissions shall not exceed 0.0025 grain per dry standard cubic foot of effluent gas volume and 0.0107 pound per hour. Additionally, there shall be no visible emissions from the fabric collector (other than water vapor or steam).

27. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the PM emissions from the hammermill fabric collector shall not exceed 0.003 grain per dry standard cubic foot of effluent gas volume and 0.617 pound per hour and the PM10 emissions shall not exceed 0.003 grain per dry standard cubic foot of effluent gas volume and 0.617 pound per hour. Additionally, there shall be no visible emissions from the fabric collector (other than water vapor or steam).

28. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the total combined PM emissions from the milling operation shall not exceed 2.75 tons in any 12-consecutive month period.

29. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the total combined PM10 emissions from the milling operation shall not exceed 2.75 tons in any 12-consecutive month period.

30. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the surge bin, the scalper/screen and all conveyors associated with this operation shall be fully enclosed.

31. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, within 90 days of commencing operation of the fourth of the hammermills incorporated in this operation, but no later than 180 days of commencing operation of

the first of the hammermills incorporated in this operation, the permittee shall perform stack testing on the hammermill fabric collector to determine its PM and PM10 emission rates. All testing is to be performed using test methods and procedures which are acceptable to the Department while the hammermills are in use.

32. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the PM and PM10 source testing required by condition in paragraph (31) herein shall be repeated once every 2 years after initial testing occurs.

33. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the emissions from the slurry mix tank, the two liquefaction tanks, the process condensate storage tank, the whole stillage tank, the thin stillage tank, the distillation systems (specifically the beer columns) and the ethanol dehydration systems shall be controlled by two vent gas scrubbers (CE012 and CE013). Within 30 days of the selection of the specific scrubbers the permittee proposes to install, the permittee shall notify the Department of the manufacturer and model of the specific scrubbers selected and shall additionally, at the same time, submit to the Department for review specifications for the scrubbers that are comprehensive enough to allow the Department to determine if the selected scrubbers are equivalent to those proposed in the plan approval application.

34. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, each of the vent gas scrubbers shall have a minimum packed bed gas retention time of 86.17 seconds.

35. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the scrubbing water flow rate in each of the vent gas scrubbers shall be no less than 8.57 gallons per minute per thousand dry standard cubic feet of effluent gas volume at all times the respective scrubber is operating. Additionally, the scrubbers shall only use clean water on a once-through basis.

36. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the total combined VOC emissions from the two vent gas scrubbers shall not exceed 1.86 pounds per hour and 8.15 tons in any 12-consecutive month period.

37. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the total combined volatile HAP emissions from the two vent gas scrubbers shall not exceed 0.11 pound per hour and 0.48 ton in any 12-consecutive month period.

38. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the PM emissions from each of the vent gas scrubbers shall not exceed 0.0033 grains per dry standard cubic foot of effluent gas volume, 0.02 pound per hour and 0.088 ton in any 12-consecutive month period.

39. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the PM10 emissions from each of the vent gas scrubbers shall not exceed 0.0033 grain per dry standard cubic foot of effluent gas volume, 0.02 pound per hour and 0.088 ton in any 12-consecutive month period.

40. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the emissions from the fermentation tanks, yeast tank and beer well shall be controlled by the fermentation scrubber (CE011). Within 30 days of the selection of the specific scrubber the permittee proposes

to install, the permittee shall notify the Department of the manufacturer and model of the specific scrubber selected and shall additionally, at the same time, submit to the Department for review specifications for the scrubber that are comprehensive enough to allow the Department to determine if the selected scrubber is equivalent to that proposed in the plan approval application.

41. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the fermentation scrubber shall have a minimum packed bed gas retention time of 15.39 seconds.

42. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the scrubbing water flow rate in the fermentation scrubber shall be no less than 5.83 gallons per minute per thousand dry standard cubic feet of effluent gas volume at all times the scrubber is operating. Additionally, the scrubber shall only use clean water on a once-through basis.

43. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the VOC emissions from the fermentation scrubber shall not exceed 6.05 pounds per hour and 6.05 tons in any 12-consecutive month period.

44. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the volatile HAP emissions from the fermentation scrubber shall not exceed 1.56 pounds per hour and 1.56 tons in any 12-consecutive month period.

45. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the PM emissions from the fermentation scrubber shall not exceed 0.0019 grain per dry standard cubic foot of effluent gas volume, 0.20 pound per hour and 0.20 ton in any 12-consecutive month period.

46. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the PM10 emissions from the fermentation scrubber shall not exceed 0.0019 grain per dry standard cubic foot of effluent gas volume, 0.20 pound per hour and 0.20 ton in any 12-consecutive month period.

47. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, each of the vent gas scrubbers and the fermentation scrubber shall achieve a VOC and volatile HAP removal efficiency of no less than 98% at all times VOCs or volatile HAPs are being ducted to them.

48. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, there shall be no visible emissions from the vent gas scrubbers or the fermentation scrubber (other than water vapor or steam).

49. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, each of the vent gas scrubbers and the fermentation scrubber shall be equipped with instrumentation capable of monitoring the scrubber water flow rate and pressure drop across the packed bed of the respective scrubber on a continuous basis.

50. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, any marked increase in pressure drop across either of the vent gas scrubbers or the fermentation scrubber shall be immediately investigated and remedied by repairing, cleaning or replacing scrubber parts as needed.

51. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall develop and submit to the Department for approval a quality control program for

the scrubber water flow rate and pressure drop monitors associated with the two vent gas scrubbers and the fermentation scrubber. The quality control program shall include, at a minimum, a written protocol that describes the calibration and maintenance procedures and schedules to be used for each monitor to ensure its integrity and accuracy. In addition, the quality control program shall identify the calibration and maintenance records which will be maintained. The permittee shall keep the quality control program on file for the life of the two vent gas scrubbers and the fermentation scrubber and all associated calibration and maintenance records for a minimum of 5 years. The quality control program, including associated calibration and maintenance records, shall be made available to the Department upon request.

52. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the sources controlled by each of the vent gas scrubbers and the fermentation scrubber shall not, at any time, be operated without the simultaneous operation of the respective scrubber controlling their emissions.

53. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the fermentation scrubber shall be exhausted directly to atmosphere a maximum of 2,000 hours in any 12-consecutive month period and shall be ducted to the facility's CO₂ liquefaction plant at all other times. Records shall be maintained of the number of hours the fermentation scrubber is exhausted directly to atmosphere during each month. All records generated under this condition shall be retained for at least 5 years and shall be made available to the Department upon request.

54. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall submit semi-annual reports to the Department listing the number of hours the fermentation scrubber was exhausted directly to the atmosphere during each month of the respective reporting period. Each semi-annual report shall be submitted to the Department by no later than September 1 (for the immediately-preceding January 1 through June 30 period) and March 1 (for the immediately-preceding July 1 through December 31 period).

55. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the facility shall produce no more than 88 million gallons of ethanol in any 12-consecutive month period (prior to the addition of denaturant). Records shall be maintained of the amount of ethanol produced during each month. All records generated under this condition shall be retained for at least 5 years and shall be made available to the Department upon request.

56. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall submit semi-annual reports to the Department listing the amount of ethanol produced during each month of the respective reporting period. Each semi-annual report shall be submitted to the Department by no later than September 1 (for the immediately-preceding January 1 through June 30 period) and March 1 (for the immediately-preceding July 1 through December 31 period).

57. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, within 90 days of commencing operation of the last piece of equipment controlled by each of the two vent gas scrubbers, but no later than 180 days of commencing operation of the first piece of equipment controlled by each of the vent gas scrubbers, the permit-

tee shall perform stack testing on the respective vent gas scrubber to determine its VOC and acetaldehyde emission rates. All testing is to be performed using test methods and procedures which are acceptable to the Department while operating all of the sources controlled by the respective scrubber at their maximum capacity.

58. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, within 90 days of commencing operation of the last piece of equipment controlled by the fermentation scrubber, but no later than 180 days of commencing operation of the first piece of equipment controlled by the fermentation scrubber, the permittee shall perform stack testing on the respective scrubber to determine its VOC and acetaldehyde emission rates. All testing is to be performed using test methods and procedures which are acceptable to the Department while operating all of the sources controlled by the scrubber at their maximum capacity.

59. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the VOC and acetaldehyde source testing required by conditions in paragraphs (57) and (58) herein shall be repeated once every 2 years after initial testing occurs.

60. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the emissions from the CO₂ liquefaction plant shall be controlled by the water wash scrubber (CE201). Within 30 days of the selection of the specific scrubber the permittee proposes to install, the permittee shall notify the Department of the manufacturer and model of the specific scrubber selected and shall additionally, at the same time, submit to the Department for review specifications for the scrubber that are comprehensive enough to allow the Department to determine if the selected scrubber is equivalent to that proposed in the plan approval application.

61. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the water wash scrubber shall have a minimum packed bed gas retention time of 0.11 second.

62. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the scrubbing water flow rate in the water wash scrubber shall be no less than 5 gallons per minute per thousand dry standard cubic feet of effluent gas volume at all times the scrubber is operating. Additionally, the scrubber shall only use clean water on a once-through basis.

63. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the VOC emissions from the water wash scrubber shall not exceed 0.23 pound per hour and 1.00 ton in any 12-consecutive month period.

64. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the volatile HAP emissions from the water wash scrubber shall not exceed 0.0065 pound per hour and 0.028 ton in any 12-consecutive month period.

65. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the PM emissions from the water wash scrubber shall not exceed 0.00019 grains per dry standard cubic foot of effluent gas volume, 0.02 pound per hour and 0.068 ton in any 12-consecutive month period.

66. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the PM10 emissions from the water wash scrubber shall not exceed 0.00019 grain per dry standard cubic

foot of effluent gas volume, 0.02 pound per hour and 0.068 ton in any 12-consecutive month period.

67. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, there shall be no visible emissions from the water wash scrubber (other than water vapor or steam).

68. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the water wash scrubber shall be equipped with instrumentation capable of measuring the scrubber water flow rate and pressure drop across the packed bed of the respective scrubber on a continuous basis.

69. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall develop and submit to the Department for approval a quality control program for the scrubber water flow rate and pressure drop monitor associated with the water wash scrubber. The quality control program shall include, at a minimum, a written protocol that describes the calibration and maintenance procedures and schedules to be used for each monitor to ensure its integrity and accuracy. In addition, the quality control program shall identify the calibration and maintenance records which will be maintained. The permittee shall keep the quality control program on file for the life of the water wash scrubber and all associated calibration and maintenance records for a minimum of 5 years. The quality control program, including associated calibration and maintenance records, shall be made available to the Department upon request.

70. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, any marked increase in pressure drop across the water wash scrubber shall be immediately investigated and remedied by repairing, cleaning or replacing scrubber parts as needed.

71. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the sources controlled by the water wash scrubber shall not, at any time, be operated without the simultaneous operation of the respective scrubber.

72. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the four centrifuges, paddle mixer, five steam tube dryers and cooling system incorporated in the dried distillers grain with solubles (DDGS) processing system shall be controlled by the CFB boiler.

73. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the PM emissions from the DDGS storage building and DDGS loadout spouts shall be controlled by the DDGS loadout fabric collector (CE007). Within 30 days of the selection of the specific collector the permittee proposes to install, the permittee shall notify the Department of the manufacturer and model of the specific collector selected and shall additionally, at the same time, submit to the Department for review specifications for the collector that are comprehensive enough to allow the Department to determine if the selected collector is equivalent to that proposed in the plan approval application.

74. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the DDGS loadout fabric collector shall have an effective air-to-cloth ratio under actual conditions of no more than 8:1 and the collector bags shall be cleaned using reverse air jets.

75. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as

well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the PM emissions from the DDGS loadout fabric collector shall not exceed 0.0025 grain per dry standard cubic foot of effluent gas volume and 0.0386 pound per hour and the PM10 emissions shall not exceed 0.0025 grain per dry standard cubic foot of effluent gas volume and 0.0386 pound per hour. Additionally, there shall be no visible emissions from the fabric collector (other than water vapor or steam).

76. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the total combined PM emissions from the DDGS loadout operation, including fugitive PM emissions, shall not exceed 0.45 ton in any 12-consecutive month period.

77. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the total combined PM10 emissions from the DDGS loadout operation, including fugitive PM10 emissions, shall not exceed 0.24 ton in any 12-consecutive month period.

78. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the DDGS storage building shall be a total enclosure which shall be maintained under negative pressure by the DDGS loadout fabric collector at all times that DDGS is being transferred into or stored within the building.

79. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the DDGS loadout fabric collector shall capture, at a minimum, 50% of the PM and PM10 generated from the DDGS loadout operation.

80. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, all truck or railcar hatches and openings that are not in actual use for DDGS loading shall be closed during loading operations.

81. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, if it is determined by the Department that the aspirated loadout spouts incorporated in the DDGS loadout operation do not provide adequate PM and/or PM10 control during the loading of railcars, the company shall add flexible boots around the loadout spouts that provide a seal over the top hatch of the railcars being loaded.

82. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, all conveyors associated with the DDGS loadout operation shall be fully enclosed.

83. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the facility shall load out no more than 339,100 tons of DDGS in any 12-consecutive month period. Records shall be maintained of the amount of DDGS loaded out during each month. All records generated under this condition shall be retained for at least 5 years and shall be made available to the Department upon request.

84. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall submit semi-annual reports to the Department listing the amount of DDGS loaded out during each month of the respective reporting period. Each semi-annual report shall be submitted to the Department by no later than September 1 (for the immediately-preceding January 1 through June 30 period) and March 1 (for the immediately-preceding July 1 through December 31 period).

85. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, all of the wetcake loadout structure's potential openings shall remain closed during loadout and the wetcake loadout structure shall be maintained under negative pressure and vented to the CFB boiler.

86. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the VOC collection system associated with the wetcake loadout operation shall have a minimum capture efficiency of 95%.

87. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the total combined fugitive VOC emissions from the wetcake loadout operation shall not exceed 0.22 ton in any 12-consecutive month period.

88. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, wetcake shall only be loaded into trucks that are completely contained within the structure during loadout operations.

89. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the facility shall load out no more than 1,059,783 tons of wetcake in any 12-consecutive month period. Records shall be maintained of the amount of wetcake loaded out during each month. All records generated under this condition shall be retained for at least 5 years and shall be made available to the Department upon request.

90. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall submit semi-annual reports to the Department listing the amount of wetcake loaded out during each month of the respective reporting period. Each semi-annual report shall be submitted to the Department by no later than September 1 (for the immediately-preceding January 1 through June 30 period) and March 1 (for the immediately-preceding July 1 through December 31 period).

91. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the ethanol loadout operation shall be controlled by an enclosed flare which shall maintain a combustion chamber temperature of at least 1,600° F (for a retention time of at least 0.75 second) any time VOCs or volatile HAPs are being ducted to it. Within 30 days of the selection of the specific flare the permittee proposes to install, the permittee shall notify the Department of the manufacturer and model of the specific flare selected and shall additionally, at the same time, submit to the Department for review specifications for the flare that are comprehensive enough to allow the Department to determine if the selected flare is equivalent to that proposed in the plan approval application.

92. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the enclosed flare shall achieve a VOC and volatile HAP destruction efficiency of no less than 98% at all times VOCs or volatile HAPs are being ducted to it.

93. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the total combined VOC emissions from the

ethanol loadout operation shall not exceed 0.27 pound per hour and 1.17 tons in any 12-consecutive month period.

94. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the total combined volatile HAP emissions from the ethanol loadout operation shall not exceed 0.0050 pound per hour and 0.022 ton in any 12-consecutive month period.

95. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the total combined CO emissions from the ethanol loadout operation shall not exceed 0.42 pound per hour and 1.82 tons in any 12-consecutive month period.

96. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the New Source Review provisions of 25 Pa. Code §§ 127.201–127.217 and the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the total combined NO_x emissions from the ethanol loadout operation shall not exceed 0.19 pound per hour and 0.78 ton in any 12-consecutive month period.

97. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the total combined PM emissions from the ethanol loadout operation shall not exceed 0.00013 grain per dry standard cubic foot of effluent gas volume, 0.0032 pound per hour and 0.014 ton in any 12-consecutive month period.

98. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the total combined PM₁₀ emissions from the ethanol loadout operation shall not exceed 0.00013 grain per dry standard cubic foot of effluent gas volume, 0.0032 pound per hour and 0.014 ton in any 12-consecutive month period.

99. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, all VOC and/or volatile HAP-containing vapors displaced from railcars and trucks being loaded with ethanol shall be collected through dedicated vapor collection lines and ducted to the enclosed flare for destruction. Flexible boots on truck or railcar hatches shall not be used for vapor collection.

100. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the enclosed flare shall be equipped with an auxiliary fuel system (natural gas) and shall achieve a combustion chamber temperature of 1,600° F prior to the commencement of each occasion of ethanol loadout.

101. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the enclosed flare shall be equipped with a continuous temperature monitoring and recording system and an interlock system that will automatically shut down loading operations if the flare's combustion chamber temperature falls below 1,600° F.

102. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall develop and submit to the Department for approval a quality control program for the combustion chamber temperature monitor associated with the enclosed flare. The quality control program shall include, at a minimum, a written protocol that describes the calibration and maintenance procedures and schedules to be used for the monitor to ensure its integrity and accuracy. In addition, the quality control program shall identify the calibration and maintenance records which will be maintained. The permittee shall keep the quality

control program on file for the life of the enclosed flare and all associated calibration and maintenance records for a minimum of 5 years. The quality control program, including associated calibration and maintenance records, shall be made available to the Department upon request.

103. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, no more than 92.63 million gallons of denatured ethanol shall be loaded out in any 12-consecutive month period. Records shall be maintained of the amount of denatured ethanol loaded out during each month. All records generated under this condition shall be retained for at least 5 years and shall be made available to the Department upon request.

104. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall submit semi-annual reports to the Department listing the amount of denatured ethanol loaded out during each month of the respective reporting period. Each semi-annual report shall be submitted to the Department by no later than September 1 (for the immediately-preceding January 1 through June 30 period) and March 1 (for the immediately-preceding July 1 through December 31 period).

105. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, within 90 days of commencing operation of the second ethanol loadout rack, but no later than 180 days of commencing operation of the first ethanol loadout rack, the permittee shall perform stack testing on the enclosed flare to determine its VOC and NO_x emission rates. All testing is to be performed using test methods and procedures which are acceptable to the Department while both loadout racks are in use.

106. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the VOC and NO_x source testing required by condition in paragraph (105) herein shall be repeated once every 2 years after initial testing occurs.

107. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the total combined VOC emissions from the two ethanol day tanks, the denaturant storage tank, the two denatured ethanol storage tanks and the No. 2 fuel oil storage tank shall not exceed 1.11 tons in any 12-consecutive month period.

108. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the total combined volatile HAP emissions from the two ethanol day tanks, the denaturant storage tank, the two denatured ethanol storage tanks and the No. 2 fuel oil storage tank shall not exceed 0.045 ton in any 12-consecutive month period.

109. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12 as well as 40 CFR 60.112b, the denaturant storage tank and the two denatured ethanol storage tanks shall have internal floating roofs which incorporate a vapor-mounted primary seal and a rim-mounted secondary seal.

110. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the two ethanol day tanks shall have internal floating roofs which incorporate a vapor-mounted primary seal and a rim-mounted secondary seal.

111. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12 as well as 40 CFR 60.112b, all openings (except stub drains) in the internal floating roofs of the denaturant storage tank and the two denatured ethanol storage tanks shall be equipped with covers, lids or seals such that: each cover, lid or seal will be in the closed position at all times except when in actual use, automatic bleeder vents will be closed at all times except when the

roof is floated off or landed on the roof leg supports and that rim vents, if provided, will be set to open when the roof is being floated.

112. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, all openings (except stub drains) in the internal floating roofs of the two ethanol day tanks shall be equipped with covers, lids or seals such that: each cover, lid or seal will be in the closed position at all times except when in actual use, automatic bleeder vents will be closed at all times except when the roof is floated off or landed on the roof leg supports and that rim vents, if provided, will be set to open when the roof is being floated.

113. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12 as well as 40 CFR 60.112b, best management practices shall be used to minimize the occurrence of internal floating roof landing episodes in the denaturant storage tank and the two denatured ethanol storage tanks.

114. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, best management practices shall be used to minimize the occurrence of internal floating roof landing episodes in the two ethanol day tanks.

115. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12 as well as 40 CFRs 60.113b and 60.115b, annual inspections of the internal floating roofs of the denaturant storage tank and the two denatured ethanol storage tanks shall be conducted and the results recorded. All records generated under this condition shall be retained for at least 5 years and shall be made available to the Department upon request.

116. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, annual inspections of the internal floating roofs of the two ethanol day tanks shall be conducted and the results recorded. All records generated under this condition shall be retained for at least 5 years and shall be made available to the Department upon request.

117. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the shells and roofs of the two ethanol day tanks, the denaturant storage tank, the two denatured ethanol storage tanks and the No. 2 fuel oil storage tank shall be white.

118. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the combined throughput of the two ethanol day tanks shall not exceed 88 million gallons in any 12-consecutive month period, the throughput of the denaturant storage tank shall not exceed 4.63 million gallons in any 12-consecutive month period, the combined throughput of the two denatured ethanol storage tanks shall not exceed 92.63 million gallons in any 12-consecutive month period and the throughput of the No. 2 fuel oil storage tank shall not exceed 282,900 gallons in any 12-consecutive month period.

119. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall maintain records of the type of volatile liquid stored in each tank during each month, the throughput of each tank during each month and the maximum true vapor pressure of the volatile liquid stored in each tank during each month. All records generated under this condition shall be maintained for at least 5 years and shall be made available to the Department upon request.

120. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall submit an annual report to the Department listing the type of volatile liquid stored in each tank during each month of the prior year, the

throughput of each tank during each month of the prior year and the maximum true vapor pressure of the volatile liquid stored in each tank during each month of the prior year. Each annual report shall be submitted to the Department by no later than March 1 (for the immediately-preceding January 1 through December 31 period).

121. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall maintain records of the amount of VOCs and volatile HAPs emitted from each tank during each month other than those emissions resulting from internal floating roof landings as well as the amount of VOCs and volatile HAPs emitted from each tank during each month as a result of internal floating roof landings, when applicable. These records shall include a copy of all calculations performed in determining these emission values and a description of all assumptions made in performing the calculations. All records generated under this condition shall be maintained for at least 5 years and shall be made available to the Department upon request.

122. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall submit an annual report to the Department listing the amount of VOCs and volatile HAPs emitted from each tank during each month of the prior year other than those emissions resulting from internal floating roof landings as well as the amount of VOCs and volatile HAPs emitted from each tank during each month of the prior year as a result of internal floating roof landings, when applicable. These reports shall include a copy of all calculations performed in determining these emission values and a description of all assumptions made in performing the calculations. Each annual report shall be submitted to the Department by no later than March 1 (for the immediately-preceding January 1 through December 31 period).

123. The two ethanol day tanks, the denaturant storage tank and the two denatured ethanol storage tanks shall comply with all applicable requirements specified in 25 Pa. Code § 129.56.

124. The denaturant storage tank and the two denatured ethanol storage tanks are subject to Subpart Kb of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.110b—60.117b (Standards of Performance for VOC Liquid Storage Vessels). The permittee shall comply with all applicable requirements of this Subpart as well as any other applicable Subparts of the Standards of Performance, including all recordkeeping and reporting requirements. Under 40 CFR 60.4 of the Standards of Performance, the submission of all requests, reports, applications, submittals and other communications required by the Standards of Performance must be made to both the Department of Environmental Protection and the Environmental Protection Agency. The Environmental Protection Agency copies may be sent to:

U. S. EPA Region III
Air Protection Division
Office of Enforcement and Permits (3AP10)
1650 Arch Street
Philadelphia, PA 19103

and

The Pennsylvania Department of Environmental
Protection
Air Quality Program Manager
208 W. Third Street, Suite 101
Williamsport, PA 17701-6448

125. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the total combined fugitive VOC emissions resulting from equipment leaks shall not exceed 1.92 pounds per hour or 8.41 tons in any 12-consecutive month period.

126. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall implement a leak detection and repair program (LDAR) which is compliant with Subpart VV of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.480—60.489 (Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry).

127. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall maintain records of the amount of fugitive VOCs emitted from equipment leaks during each month. These records shall include a copy of all calculations performed in determining these emission values and a description of all assumptions made in performing the calculations. All records generated under this condition shall be maintained for at least 5 years and shall be made available to the Department upon request.

128. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall submit an annual report to the Department listing the amount of fugitive VOCs emitted from equipment leaks during each month of the prior year. These reports shall include a copy of all calculations performed in determining these emission values and a description of all assumptions made in performing the calculations. Each annual report shall be submitted to the Department by no later than March 1 (for the immediately-preceding January 1 through December 31 period).

129. This facility is subject to Subpart VV of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.480 through 60.489 (Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry). The permittee shall comply with all applicable requirements of this Subpart as well as any other applicable Subparts of the Standards of Performance, including all recordkeeping and reporting requirements. Under 40 CFR 60.4 of the Standards of Performance, the submission of all requests, reports, applications, submittals and other communications required by the Standards of Performance must be made to both the Department of Environmental Protection and the Environmental Protection Agency. The Environmental Protection Agency copies may be sent to:

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The Pennsylvania Department of Environmental
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Air Quality Program Manager
208 W. Third Street, Suite 101
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130. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the emission of SO_x, expressed as SO₂, from the CFB boiler shall not exceed 0.31 pound per million Btu of heat input based on a 3-hour rolling average basis, 0.278

pound per million Btu of heat input based on a 24-hour rolling average basis, 0.20 pound per million Btu of heat input based on a 30-day rolling average basis and 435.2 tons in any 12-consecutive month period.

131. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the New Source Review provisions of 25 Pa. Code §§ 127.201—127.217 and the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the emission of NO_x, expressed as NO₂, from the CFB boiler shall not exceed 0.10 pound per million Btu of heat input on a 24-hour rolling average basis, 0.07 pound per million Btu of heat input on a 30-day rolling average basis and 152.32 tons in any 12-consecutive month period.

132. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the emission of CO from the CFB boiler shall not exceed 0.15 pound per million Btu of heat input, 74.52 pounds per hour and 326.4 tons in any 12-consecutive month period.

133. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the emission of sulfuric acid mist from the CFB boiler shall not exceed 0.01 pound per million Btu of heat input, 4.97 pounds per hour and 21.76 tons in any 12-consecutive month period.

134. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the emission of filterable 10, from the CFB boiler shall not exceed 0.01 pound per million Btu of heat input, 4.97 pounds per hour and 21.76 tons in any 12-consecutive month period. Additionally, the emission of total filterable PM, including filterable PM₁₀, shall not exceed 0.01 pound per million Btu of heat input, 4.97 pounds per hour and 21.76 tons in any 12-consecutive month period.

135. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the emission of total PM₁₀ (filterable and condensable) from the CFB boiler shall not exceed 0.05 pound per million Btu of heat input, 24.84 pounds per hour and 108.8 tons in any 12-consecutive month period.

136. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the visible air contaminant emissions from the CFB boiler shall not have an opacity in excess of 10% at any time.

137. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the emission of VOCs from the CFB boiler shall not exceed 0.005 pound per million Btu of heat input, 2.49 pounds per hour and 10.88 tons in any 12-consecutive month period.

138. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the emission of ammonia from the CFB boiler shall not exceed 10 parts per million by volume dry basis corrected to 7% oxygen, 0.0065 pound per million Btu of heat input, 3.23 pounds per hour and 14.15 tons in any 12-consecutive month period.

139. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the emission of mercury from the CFB boiler shall not exceed 0.0096 pound per gigawatt-hour (GWh)

or the rate reflecting at least 95% control of the total mercury input into the boiler in the waste coal and shall also not exceed 2.1 pounds in any 12-consecutive month period.

140. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the emission of lead from the CFB boiler shall not exceed 28.4 pounds per trillion Btu of heat input, 0.014 pound per hour and 123.6 pounds in any 12-consecutive month period.

141. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the emission of beryllium from the CFB boiler shall not exceed 8.58 pounds per trillion Btu of heat input, 0.0043 pound per hour and 37.34 pounds in any 12-consecutive month period.

142. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the emission of hydrogen chloride from the CFB boiler shall not exceed 0.00457 pound per million Btu of heat input, 2.27 pounds per hour and 9.94 tons in any 12-consecutive month period.

143. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the emission of hydrogen fluoride from the CFB boiler shall not exceed 0.0014 pound per million Btu of heat input, 0.7 pound per hour and 3.05 tons in any 12-consecutive month period.

144. The Department reserves the right to establish additional HAP emission limitations for the CFB boiler after the determination of emission rates by stack testing.

145. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, only waste bituminous coal shall be fired in the CFB boiler and the sulfur content of the waste coal, as blended for use in the boiler, shall not exceed 4% by weight at any time. Additionally, the permittee shall not burn residual, municipal, hazardous, hospital, infectious or chemotherapeutic wastes or any other material not specifically approved in this plan approval.

146. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the CFB boiler shall not burn more 302,220 tons of waste bituminous coal in any 12-consecutive month period.

147. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the New Source Review provisions of 25 Pa. Code §§ 127.201—127.217 and the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the CFB boiler shall have a maximum heat input rate of 496.8 million Btu per hour and the associated air contaminants shall be controlled by a limestone injection system, a selective noncatalytic reduction system, a flash dryer absorber or spray dryer absorber system, a cyclone and a fabric collector.

148. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the New Source Review provisions of 25 Pa. Code §§ 127.201—127.217 and the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the CFB boiler shall not operate without the simultaneous operation of the associated limestone injection system, selective noncatalytic reduction system, flash dryer absorber or spray dryer absorber system, cyclone and fabric collector.

149. Within 30 days of selection of the specific CFB boiler, selective noncatalytic reduction system, flash dryer absorber or spray dryer absorber system, cyclone and fabric collector the permittee proposes to install, the

permittee shall notify the Department of the manufacturer and model of the respective piece of equipment selected and shall additionally, at the same time, submit to the Department for review specifications for the respective piece of equipment that are comprehensive enough to allow the Department to determine if the selected piece of equipment is equivalent to that proposed in the plan approval application.

150. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the fabric collector controlling the CFB boiler shall have an effective air to cloth ratio at actual conditions of no more than 5:1 and the collector bags shall be cleaned using reverse air jets.

151. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the New Source Review provisions of 25 Pa. Code §§ 127.201—127.217 and the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the selective noncatalytic reduction system associated with the CFB boiler shall be installed upstream of the cyclone.

152. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the New Source Review provisions of 25 Pa. Code §§ 127.201—127.217 and the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the selective noncatalytic reduction system associated with the CFB boiler shall be equipped with instrumentation to continuously monitor the actual flow rate and totalized flow of the reagent, the pressure of the reagent, the reagent pump for verification of operation and the temperature of the reagent at or close to the delivery point. Each continuously-monitored parameter shall be recorded and alarms shall be incorporated into the monitoring systems to notify the operators of any conditions outside the normal operating range.

153. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the CFB boiler fabric collector shall be insulated and shall have heaters and a temperature control system to protect the fabric collector and filter bags. Additionally, the dust hoppers of the fabric collector shall be insulated and shall have level detectors and vibrators.

154. The CFB boiler shall exhaust to the atmosphere at a height of no less than 315.55 feet above grade. Additionally, the inside diameter of the flue shall be no greater than 8.5 feet at the point of exhaust.

155. Within 60 days of achieving maximum production, but no later than 180 days after initial startup, the permittee shall perform stack testing on the CFB boiler to determine the SO_x, NO_x, VOC, CO, filterable PM₁₀, total filterable particulate including filterable PM₁₀, total PM₁₀ (filterable and condensable), sulfuric acid mist, ammonia, hydrogen fluoride, hydrogen chloride, mercury, beryllium and lead emission rates. Representative as-fired coal samples shall be taken at the time of the mercury and hydrogen chloride stack testing to accurately determine the mercury and chlorine content of the waste coal fired during this testing. In addition, antimony, arsenic, cadmium, chromium, cobalt, manganese, nickel and selenium stack tests shall be performed to determine the emission rates of these HAPs. Representative as-fired coal samples shall also be taken during these stack tests to accurately determine the antimony, arsenic, cadmium, chromium, cobalt, manganese, nickel and selenium content of the waste coal fired during the testing. Sunnyside

shall also submit a test plan with the stack test protocol for the testing of organic HAPs. The NO_x and CO stack testing shall be conducted simultaneously. All testing shall be performed while the CFB boiler is operating at maximum capacity using test methods and procedures approved by the Department. These tests shall be repeated on a yearly basis. The permittee may request a change in the frequency of the testing once enough data has been generated to determine the consistency of the results.

156. At least 180 days prior to the anticipated startup of the CFB boiler, the permittee shall submit to the Department a waste coal sampling plan which shall include the proposed frequency of sampling (daily, weekly, etc.), the proposed frequency of sample analysis (daily, weekly, and the like), the proposed sample locations, the specific procedures to be used for collecting and preparing the samples and the fuel characteristics for which each sample will be analyzed (sulfur content, ash content, heat of combustion, chlorine content, and the like). This sampling plan shall also specifically address the sampling and sample analysis frequency for mercury and chlorine.

157. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the New Source Review provisions of 25 Pa. Code §§ 127.201—127.217 and the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall install, certify, maintain and operate continuous emission monitoring systems (CEMSs) for NO_x, CO and SO_x as well as oxygen (or CO₂) and opacity on the CFB boiler in accordance with all applicable requirements specified in 25 Pa. Code Chapter 139 and the Department's Continuous Source Monitoring Manual. All of the CEMSs specified above shall be installed prior to startup of the respective CFB boiler. No CEMS may however be installed unless Phase I approval has first been obtained from the Department. The NO_x, CO, SO_x, opacity and oxygen (or CO₂) emission monitoring systems shall be capable of monitoring compliance with all applicable emission limits specified for the respective air contaminants herein.

158. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the New Source Review provisions of 25 Pa. Code §§ 127.201—127.217 and the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall submit a Phase I application to the Department for the NO_x, CO, SO_x, oxygen (or CO₂) and opacity continuous emission monitoring systems at least 6 months prior to the anticipated startup date of the CFB boiler.

159. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the New Source Review provisions of 25 Pa. Code §§ 127.201—127.217 and the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the CFB boiler shall not be operated for any reason unless the associated NO_x, CO, SO_x, oxygen (or CO₂) and opacity continuous emission monitoring systems have received Phase I approval from the Department and have subsequently been installed and made operational in accordance with the conditions of this plan approval. Furthermore, the continuous emission monitoring systems shall be operated any time the CFB boiler is operating in accordance with all applicable requirements specified in 25 Pa. Code Chapter 139, as well as with the Department's Continuous Source Monitoring Manual, unless superseded by conditions contained in this plan approval. The required relative accuracy testing shall have been completed on the associated

continuous emission monitoring systems and the monitoring systems shall be fully certified in accordance with the Department's Continuous Source Monitoring Manual within 180 days of startup of the CFB boiler.

160. The permittee shall submit all reports to the Department associated with the continuous emission monitoring systems for NO_x, CO, SO_x, oxygen (or CO₂) and opacity in accordance with all applicable requirements specified in 25 Pa. Code Chapter 139 and the Department's Continuous Source Monitoring Manual.

161. The permittee shall maintain comprehensive accurate records for the CFB boiler which shall be adequate to allow compliance to be determined with the requirements contained in all conditions contained herein. At a minimum, these records shall include:

- a. The total tons of waste bituminous coal that are burned in the CFB boiler each month.
- b. The results from the waste coal sulfur content analyses.
- c. The results from the as-fired waste coal mercury and chlorine content analyses.
- d. The gross megawatt per hour output of the generator associated with the CFB (on a continuous basis).
- e. The differential pressure across the fabric collector and the inlet temperature (on a continuous basis).
- f. The calculated ammonia emission rate, all associated calculations and all supporting data (to be used to verify compliance with the ammonia emission limitations contained herein).
- g. The calculated mercury emission rate, all associated calculations and all supporting data (to be used to verify compliance with mercury emission limitations contained herein).
- h. The calculated lead emission rate, all associated calculations and all supporting data (to be used to verify compliance with the lead emission limitations contained herein).
- i. The calculated beryllium emission rate, all associated calculations and all supporting data (to be used to verify compliance with the beryllium emissions limitations contained herein).
- j. The calculated hydrogen chloride emission rate, all associated calculations and all supporting data (to be used to verify compliance with the hydrogen chloride emission limitations contained herein).
- k. The calculated hydrogen fluoride emission rate all associated calculations and all supporting data to be used to verify compliance with the hydrogen fluoride emission limitations contained herein.

All records generated under this condition shall be retained for at least 5 years and shall be made available to the Department upon request.

162. The permittee shall provide quarterly compliance demonstration reports for the mercury and hydrogen chloride emissions from the CFB boiler. Each compliance demonstration report shall include the calculated mercury and hydrogen chloride emission rates which occurred during the respective calendar quarter, all associated calculations and all supporting data, including the results of all waste coal mercury and chlorine analyses performed during the respective calendar quarter. Each quarterly compliance demonstration report shall be submitted to the Department by no later than June 1 of each year (containing the records generated for the immediately-

preceding January 1 through March 31 3-month period), September 1 of each year (containing the records generated for the immediately-preceding April 1 through June 30 3-month period), December 1 of each year (containing the records generated for the immediately-preceding July 1 through September 30 3-month period) and March 1 of each year (containing the records generated for the immediately-preceding October 1 through December 31 3-month period).

163. The permittee shall submit reports to the Department on a semi-annual basis that include:

a. The amount of waste bituminous coal used in the prior 6 consecutive month period.

b. The calculated ammonia, lead, beryllium and hydrogen fluoride emission rates which occurred during the prior 6 consecutive month period, all associated calculations and all supporting data.

The semi-annual reports shall be submitted to the Department by no later than September 1 of each year (containing the records generated for the immediately-preceding January through June 6-month period) and March 1 of each year (containing the records generated for the immediately-preceding July through December 6-month period).

164. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall develop and submit to the Department for approval a quality control program for the continuous differential pressure drop monitor and inlet temperature monitor for the CFB boiler fabric collector as well as the continuous reagent flow rate monitor, totalized reagent flow rate monitor, reagent pressure monitor, the reagent pump operation verification monitor and reagent delivery point temperature monitor for the selective noncatalytic reduction system and any other continuous monitor used for monitoring operating parameters for the CFB boiler or associated control devices. The quality control program shall include, at a minimum, a written protocol that describes the calibration and maintenance procedures and schedules to be used for each monitor to ensure its integrity and accuracy. In addition, the quality control program shall identify the calibration and maintenance records which will be maintained. The permittee shall keep the quality control program on file for the life of the CFB boiler and all associated calibration and maintenance records for a minimum of 5 years. The quality control program, including associated calibration and maintenance records, shall be made available to the Department upon request.

165. The CFB boiler is subject to Subpart Db of the Federal New Source Performance Standards, 40 CFR 60.40b—60.49b. The permittee shall comply with all applicable requirements of this Subpart as well as any other applicable Subpart of the Standards of Performance, including all recordkeeping and reporting requirements. Under 40 CFR 60.4 of the Standards of Performance, the submission of all requests, reports, applications, submittals and other communications required by the Standards of Performance must be made to both the Department of Environmental Protection and the Environmental Protection Agency. The Environmental Protection Agency copies may be sent to:

U. S. EPA Region III
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The Pennsylvania Department of Environmental Protection
Air Quality Program Manager
208 W. Third Street, Suite 101
Williamsport, PA 17701-6448

166. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the New Source Review provisions of 25 Pa. Code §§ 127.201—127.217 and the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the auxiliary boiler shall have a maximum heat input rate of 76 million Btu per hour, shall incorporate the use of a low NO_x burner and flue gas recirculation and shall only fire virgin No. 2 fuel oil or natural gas.

167. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the New Source Review provisions of 25 Pa. Code §§ 127.201—127.217 and the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the auxiliary boiler shall be operated for no more than 1,000 hours in any 12-consecutive month period of which no more than 100 hours may be while the boiler is being fired on virgin No. 2 fuel oil.

168. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the New Source Review provisions of 25 Pa. Code §§ 127.201—127.217 and the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the auxiliary boiler shall be equipped with instrumentation to monitor and record the usage of natural gas and No. 2 fuel oil.

169. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the emission of SO_x, expressed as SO₂, from the auxiliary boiler shall not exceed 0.0006 pound per million Btu of heat input and 0.046 pound per hour while firing natural gas, 0.052 pound per million Btu of heat input and 3.96 pounds per hour while firing No. 2 fuel oil and 0.22 ton in any 12-consecutive month period.

170. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the New Source Review provisions of 25 Pa. Code §§ 127.201—127.217 and the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the emission of NO_x, expressed as NO₂, from the auxiliary boiler shall not exceed 0.035 pound per million Btu of heat input and 2.66 pounds per hour when firing natural gas, 0.072 pound per million Btu of heat input and 5.48 pounds per hour when firing No. 2 fuel oil and 1.471 tons in any 12-consecutive month period.

171. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the emission of CO from the auxiliary boiler shall not exceed 0.037 pound per million Btu of heat input and 2.82 pounds per hour while firing natural gas, 0.036 pound per million Btu of heat input and 2.74 pounds per hour while firing No. 2 fuel oil and 1.41 tons in any 12-consecutive month period.

172. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the emission of PM from the auxiliary boiler shall

not exceed 0.024 pound per million Btu of heat input and 1.83 pounds per hour while firing No. 2 fuel oil and 0.0075 pound per million Btu of heat input and 0.57 pound per hour while firing natural gas. The emission of PM10 from the auxiliary boiler shall not exceed 0.017 pound per million Btu of heat input and 1.30 pounds per hour while firing No. 2 fuel oil and 0.0075 pound per million Btu of heat input and 0.57 pound per hour while firing natural gas. Additionally, the PM emissions shall not exceed 0.35 ton in any 12-consecutive month period and the PM10 emissions shall not exceed 0.321 ton in any 12-consecutive month period.

173. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and of 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the visible air contaminant emissions from the auxiliary boiler shall not have an opacity in excess of 10% at any time.

174. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the emission of VOCs from the auxiliary boiler shall not exceed 0.0054 pound per million Btu of heat input and 0.41 pound per hour while firing natural gas, 0.0014 pound per million Btu of heat input and 0.11 pound per hour while firing No. 2 fuel oil and 0.21 ton in any 12-consecutive month period.

175. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the emission of HAPs from the auxiliary boiler shall not exceed 142 pounds in any 12-consecutive month period.

176. The permittee shall maintain comprehensive accurate records for the auxiliary boiler which shall be adequate to allow compliance to be determined with the requirements contained in all conditions contained herein. At a minimum, these records shall include the amount of each type of fuel used in the auxiliary boiler each month. All records generated under this condition shall be retained for at least 5 years and shall be made available to the Department upon request.

177. The permittee shall submit reports to the Department on a semi-annual basis of the amount of each type of fuel used in the auxiliary boiler during the prior 6-consecutive month period. The semi-annual reports shall be submitted to the Department by no later than September 1 of each year (containing the records generated for the immediately-preceding January through June 6-month period) and March 1 of each year (containing the records generated for the immediately-preceding July through December 6-month period).

178. The auxiliary boiler is subject to Subpart Dc of the Federal New Source Performance Standards, 40 CFR 60.40c—60.48c. The permittee shall comply with all applicable requirements of this Subpart as well as any other applicable Subpart of the Standards of Performance, including all recordkeeping and reporting requirements. Under 40 CFR 60.4 of the Standards of Performance, the submission of all requests, reports, applications, submittals and other communications required by the Standards of Performance must be made to both the Department of Environmental Protection and the Environmental Protection Agency. The Environmental Protection Agency copies may be sent to:

U. S. EPA Region III
Air Protection Division
Office of Enforcement and Permits (3AP10)
1650 Arch Street
Philadelphia, PA 19103

and

The Pennsylvania Department of Environmental Protection
Air Quality Program Manager
208 W. Third Street, Suite 101
Williamsport, PA 17701-6448

179. Within 30 days of selection of the specific auxiliary boiler the permittee proposes to install, the permittee shall notify the Department of the manufacturer and model of the specific boiler selected and shall additionally, at the same time, submit to the Department for review specifications for the boiler that are comprehensive enough to allow the Department to determine if the selected boiler is equivalent to that proposed in the plan approval application.

180. Within 60 days of achieving maximum production, but no later than 180 days after initial startup, the permittee shall perform stack testing on the auxiliary boiler while firing natural gas to determine the NO_x and CO emission rates. Additionally, a Method 9 opacity test shall be performed on the boiler. The NO_x and CO stack testing shall be conducted simultaneously. All testing shall be performed while the auxiliary boiler is operating at maximum capacity, using test methods and procedures approved by the Department. The CO and NO_x tests shall be repeated every 3 years. The permittee may request a change in the frequency of the testing once enough data has been generated to determine the consistency of the results.

181. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the New Source Review provisions of 25 Pa. Code §§ 127.201—127.217 and the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the three emergency generators shall each be a Caterpillar Model: 3516CTA, or equivalent (as determined by the Department), shall each be rated at no more than 2,681 horsepower, shall incorporate the use of ignition timing retard and shall only fire virgin diesel fuel or No. 2 fuel oil.

182. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the New Source Review provisions of 25 Pa. Code §§ 127.201—127.217 and the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, each emergency generator shall be operated for no more than 300 hours in any 12-consecutive month period.

183. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the New Source Review provisions of 25 Pa. Code §§ 127.201—127.217 and the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, each emergency generator shall be equipped with a nonresettable hour meter.

184. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the emission of SO_x, expressed as SO₂, from each emergency generator shall not exceed 0.166 gram per brake horsepower-hour and 0.15 ton in any 12-consecutive month period.

185. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the New Source Review provisions of 25 Pa. Code §§ 127.201—127.217 and the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the emission of NO_x, expressed as NO₂, from each emergency generator shall not exceed 5.39 grams per brake horsepower-hour and 4.78 tons in any 12-consecutive month period.

186. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the emission of CO from each emergency generator shall not exceed 0.29 grams per brake horsepower-hour and 0.26 tons in any 12-consecutive month period.

187. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the emission of PM from each emergency generator shall not exceed 0.026 gram per brake horsepower-hour and 0.023 ton in any 12-consecutive month period.

188. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the emission of PM10 from each emergency generator shall not exceed 0.026 gram per brake horsepower-hour and 0.023 ton in any 12-consecutive month period.

189. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the emission of nonmethane hydrocarbons from each emergency generator shall not exceed 0.11 gram per brake horsepower-hour and 0.1 ton in any 12-consecutive month period.

190. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the emission of HAPs from each emergency generator shall not exceed 0.003 ton in any 12-consecutive month period.

191. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the visible air contaminant emissions from each emergency generator shall not equal or exceed 10% opacity for a period or periods aggregating more than 3 minutes in any one hour or equal or exceed 30% opacity at any time.

192. Within 180 days of the commencement of operation of each emergency generator, stack testing shall be performed on the respective generator to determine its NO_x, nonmethane hydrocarbon and CO emission rates using reference method test procedures which are acceptable to the Department. In addition to the stack testing required by this condition, within 12 months after the initial stack testing and annually thereafter, the permittee shall perform NO_x and CO emission tests upon each emergency generator using a portable analyzer approved by the Department. The Department may alter the frequency of annual portable analyzer tests once enough data has been generated to determine the consistency of the results.

193. The permittee shall maintain comprehensive accurate records for the emergency generators which shall be adequate to allow compliance to be determined with the requirements contained in all conditions contained herein. At a minimum, these records shall include:

a. The type and amount (gallons) of fuel used in the emergency generators each month.

b. The number of hours that each emergency generator operates each month.

All records generated under this condition shall be retained for at least 5 years and shall be made available to the Department upon request.

194. The permittee shall submit reports to the Department on a semi-annual basis that include:

a. The type and amount (gallons) of fuel used in the emergency generators during the prior 6-consecutive month period.

b. The number of hours that each emergency generator operates each month during the prior 6-consecutive month period.

The semi-annual reports shall be submitted to the Department by no later than September 1 of each year (containing the records generated for the immediately-preceding January through June 6-month period) and March 1 of each year (containing the records generated for the immediately-preceding July through December 6-month period).

195. The three emergency generators are subject to Subpart IIII of the Federal New Source Performance Standards, 40 CFR 60.4200—60.4219. The permittee shall comply with all applicable requirements of this Subpart as well as any other applicable Subpart of the Standards of Performance, including all recordkeeping and reporting requirements. Under 40 CFR 60.4 of the Standards of Performance, the submission of all requests, reports, applications, submittals and other communications required by the Standards of Performance must be made to both the Department of Environmental Protection and the Environmental Protection Agency. The Environmental Protection Agency copies may be sent to:

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and

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Williamsport, PA 17701-6448

196. Within 30 days of selection of the specific emergency generators the permittee proposes to install, the permittee shall notify the Department of the manufacturer and model of the emergency generators selected and shall additionally, at the same time, submit to the Department for review specifications for the emergency generators that are comprehensive enough to allow the Department to determine if the selected emergency generators are equivalent to those proposed in the plan approval application.

197. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the New Source Review provisions of 25 Pa. Code §§ 127.201—127.217 and the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the two fire pump engines shall each be a Clarke Fire Products, Inc. Model: JW6H-UF60, or equivalent (as determined by the Department of Environmental Protection), shall each be rated at no more than 360 horsepower, shall incorporate the use of ignition timing retard, lean burn technology and shall only fire virgin diesel fuel or No. 2 fuel oil.

198. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the New Source Review provisions of 25 Pa. Code §§ 127.201—127.217 and the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, each fire pump engine shall be operated for no more than 500 hours in any 12-consecutive month period.

199. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the New Source Review provisions of 25 Pa. Code §§ 127.201—127.217 and the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, each fire pump engine shall be equipped with a nonresettable hour meter.

200. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the emission of SO_x, expressed as SO₂, from each fire pump engine shall not exceed 0.12 gram per brake horsepower-hour and 0.03 ton in any 12-consecutive month period.

201. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the New Source Review provisions of 25 Pa. Code §§ 127.201—127.217 and the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the emission of NO_x, expressed as NO₂, from each fire pump engine shall not exceed 5.23 grams per brake horsepower-hour and 1.04 tons in any 12-consecutive month period.

202. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the emission of CO from each fire pump engine shall not exceed 0.81 grams per brake horsepower-hour and 0.16 tons in any 12-consecutive month period.

203. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the emission of PM from each fire pump engine shall not exceed 0.2 gram per brake horsepower-hour and 0.04 ton in any 12-consecutive month period.

204. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the emission of PM₁₀ from each fire pump engine shall not exceed 0.2 gram per brake horsepower-hour and 0.04 ton in any 12-consecutive month period.

205. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the emission of nonmethane hydrocarbons from each fire pump engine shall not exceed 0.2 gram per brake horsepower-hour and 0.04 ton in any 12-consecutive month period.

206. Under the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the emission of HAPs from each fire pump engine shall not exceed 1.74 pounds in any 12-consecutive month period.

207. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the visible air contaminant emissions from each fire pump engine shall not equal or exceed 10% opacity for a period or periods aggregating more than 3 minutes in any 1 hour or equal or exceed 30% opacity at any time.

208. The permittee shall maintain comprehensive accurate records for the fire pump engines which shall be adequate to allow compliance to be determined with the requirements contained in all conditions contained herein. At a minimum, these records shall include:

- a. The type and amount (gallons) of fuel used in the fire pump engines each month.
- b. The number of hours that each fire pump engine operates each month.

All records generated under this condition shall be retained for at least 5 years and shall be made available to the Department upon request.

209. The permittee shall submit reports to the Department on a semi-annual basis that include:

- a. The type and amount (gallons) of fuel used in the fire pump engines during the prior 6-consecutive month period.
- b. The number of hours that each fire pump engine operates during the prior 6-consecutive month period.

The semi-annual reports shall be submitted to the Department by no later than September 1 of each year (containing the records generated for the immediately-preceding January through June 6-month period) and March 1 of each year (containing the records generated for the immediately-preceding July through December 6-month period).

210. The two fire pump engines are subject to Subpart III of the Federal New Source Performance Standards, 40 CFR 60.4200—60.4219. The permittee shall comply with all applicable requirements of this Subpart as well as any other applicable Subpart of the Standards of Performance, including all recordkeeping and reporting requirements. Under 40 CFR 60.4 of the Standards of Performance, the submission of all requests, reports, applications, submittals and other communications required by the Standards of Performance must be made to both the Department of Environmental Protection and the Environmental Protection Agency. The Environmental Protection Agency copies may be sent to:

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211. Within 30 days of selection of the specific fire pump engines the permittee proposes to install, the permittee shall notify the Department of the manufacturer and model of the fire pump engines selected and shall additionally, at the same time, submit to the Department for review specifications for the fire pump engines that are comprehensive enough to allow the Department to determine if the selected fire pump engines are equivalent to those proposed in the plan approval application.

212. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the emission of PM from the cogeneration plant cooling tower shall not exceed 0.573 pound per hour and 2.51 tons in any 12-consecutive month period.

213. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the emission of PM₁₀ from the cogeneration plant cooling tower shall not exceed 0.573 pound per hour and 2.51 tons in any 12-consecutive month period.

214. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the emission of PM from the ethanol plant cooling tower shall not exceed 0.83 pound per hour and 3.61 tons in any 12-consecutive month period.

215. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the emission of PM10 from the ethanol plant cooling tower shall not exceed 0.83 pound per hour and 3.61 tons in any 12-consecutive month period.

216. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the emission of PM from the evaporative condenser shall not exceed 0.086 pound per hour and 0.376 ton in any 12-consecutive month period.

217. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the emission of PM10 from the evaporative condenser shall not exceed 0.086 pound per hour and 0.376 ton in any 12-consecutive month period.

218. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, each cell of the cogeneration plant cooling tower, the ethanol plant cooling tower and the evaporative condenser shall be equipped with a drift eliminator.

219. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the drift eliminator on each cell of the cogeneration plant cooling tower, the ethanol plant cooling tower and the evaporative condenser shall be capable of achieving a maximum drift rate of 0.005%.

220. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the cogeneration plant cooling tower shall be a factory-assembled, mechanical draft two cell cooling tower which shall not exceed a circulating water flow rate of 960,000 gallons per hour at any time and the total dissolved solids concentration of the cooling tower's circulating water shall not exceed 1,433 ppm at any time.

221. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the ethanol plant cooling tower shall be a factory-assembled, mechanical draft eight cell cooling tower which shall not exceed a circulating water flow rate of 1,800,000 gallons per hour at any time and the total dissolved solids concentration of the cooling tower's circulating water shall not exceed 1,100 ppm at any time.

222. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the evaporative condenser shall have six cells and shall not exceed a circulating water flow rate of 144,000 gallons per hour at any time and the total dissolved solids concentration of the circulating water shall not exceed 1,433 ppm at any time.

223. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and

127.12, the permittee shall continuously monitor the circulating water flow rate, the total dissolved solids content of the make-up water and the number of cycles of concentration in the cogeneration plant cooling tower, the ethanol plant cooling tower and the evaporative condenser.

224. The permittee shall maintain comprehensive accurate records for the cogeneration plant cooling tower, the ethanol plant cooling tower and the evaporative condenser which shall be adequate to allow compliance to be determined with the requirements contained in all conditions contained herein. At a minimum, these records shall include the circulating water flow rate, the total dissolved solids content of the make-up water and the number of cycles of concentration on a continuous basis as well as the calculated PM and PM10 emission rates, all associated calculations and all supporting data (to be used to verify compliance with the PM and PM10 emission limitations contained herein). All records generated under this condition shall be retained for at least 5 years and shall be made available to the Department upon request.

225. The permittee shall submit reports to the Department on a semi-annual basis that include the calculated PM and PM10 emission rates which occurred during the prior 6-consecutive month period, all associated calculations and all supporting data. The semi-annual reports shall be submitted to the Department by no later than September 1 of each year (containing the records generated for the immediately-preceding January through June 6-month period) and March 1 of each year (containing the records generated for the immediately-preceding July through December 6-month period).

226. Within 30 days of selection of the specific cooling towers and evaporative condenser the permittee proposes to install, the permittee shall notify the Department of the manufacturer and model of the cooling towers and evaporative condenser selected and shall additionally, at the same time, submit to the Department for review specifications for the cooling towers and evaporative condenser that are comprehensive enough to allow the Department to determine if the selected cooling towers and evaporative condenser are equivalent to those proposed in the plan approval application.

227. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, all railcar deliveries of waste coal shall be emptied into a fully enclosed bunker which shall be under negative pressure and controlled by a fabric collector at all times that waste coal is being received, transferred or stored within the building. Additionally, all of the building's potential openings shall be closed during unloading operations and PM collection points shall be placed within the building adjacent to all locations where waste coal enters. Within 30 days of the selection of the specific collector the permittee proposes to install, the permittee shall notify the Department of the manufacturer and model of the specific collector selected and shall additionally, at the same time, submit to the Department for review specifications for the collector that are comprehensive enough to allow the Department to determine if the selected collector is equivalent to that proposed in the plan approval application.

228. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the waste coal bunker fabric collector shall cap-

ture, at a minimum, 80% of the PM and PM10 emissions generated from the waste coal railcar unloading operations.

229. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the waste coal bunker fabric collector shall have an effective air-to-cloth ratio under actual conditions of no more than 8:1 and the collector bags shall be cleaned using reverse air jets.

230. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the PM emissions from the waste coal bunker fabric collector shall not exceed of 0.005 grain per dry standard cubic foot of effluent gas volume, 0.43 pound per hour and 1.88 tons in any 12-consecutive month period and the PM10 emissions shall not exceed 0.005 grain per dry standard cubic foot of effluent gas volume, 0.43 pound per hour and 1.88 tons in any 12-consecutive month period. Additionally, there shall be no visible emissions from the fabric collector (other than water vapor or steam).

231. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the fugitive PM emissions from the waste coal unloading activities shall not exceed 0.023 ton in any 12-consecutive month period and the fugitive PM10 emissions shall not exceed 0.008 ton in any 12-consecutive month period.

232. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the two conveyors transporting waste coal shall be fully enclosed, except for where waste coal enters and exits the conveyor, unless a portion of the conveyor is completely inside a fully enclosed building.

233. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the waste coal screen and crusher shall be located inside the fully enclosed waste coal screening and crushing building which shall be controlled by a fabric collector at all times that waste coal is being screened and crushed within the building. Additionally, all of the building's potential openings shall be closed during crushing and screening operations. Within 30 days of the selection of the specific collector the permittee proposes to install, the permittee shall notify the Department of the manufacturer and model of the specific collector selected and shall additionally, at the same time, submit to the Department for review specifications for the collector that are comprehensive enough to allow the Department to determine if the selected collector is equivalent to that proposed in the plan approval application.

234. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the waste coal screening and crushing building fabric collector shall have an effective air-to-cloth ratio under actual conditions of no more than 8:1 and the collector bags shall be cleaned using reverse air jets.

235. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the PM emissions from the waste coal screening

and crushing building fabric collector shall not exceed 0.005 grain per dry standard cubic foot of effluent gas volume, 0.214 pound per hour and 0.94 ton in any 12-consecutive month period and the PM10 emissions shall not exceed 0.005 grain per dry standard cubic foot of effluent gas volume, 0.214 pound per hour and 0.94 ton in any 12-consecutive month period. Additionally, there shall be no visible emissions from the fabric collector (other than water vapor or steam).

236. Within 30 days of selection of the specific waste coal crusher, screen and conveyors the permittee proposes to install, the permittee shall notify the Department of the manufacturer and model of the waste coal crusher and screen selected as well as the width and length of each conveyor, number of screen decks, the dimensions of the screen decks and the type of crusher and shall additionally, at the same time, submit to the Department for review specifications for the waste coal crusher and screen that are comprehensive enough to allow the Department to determine if the selected waste coal crusher and screen are equivalent to those proposed in the plan approval application.

237. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the four waste coal day bins and 120 ton per hour transfer conveyor shall be located inside the fully enclosed boiler house building which shall be controlled by a fabric collector at all times that waste coal is being received, transferred or stored within the building. Additionally, all of the building's potential openings shall be closed during the transferring and storage operations. Within 30 days of the selection of the specific collector the permittee proposes to install, the permittee shall notify the Department of the manufacturer and model of the specific collector selected and shall additionally, at the same time, submit to the Department for review specifications for the collector that are comprehensive enough to allow the Department to determine if the selected collector is equivalent to that proposed in the plan approval application.

238. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the boiler house building fabric collector shall have an effective air-to-cloth ratio under actual conditions of no more than 8:1 and the collector bags shall be cleaned using reverse air jets.

239. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the PM emissions from the boiler house fabric collector shall not exceed 0.005 grain per dry standard cubic foot of effluent gas volume, 0.3 pound per hour and 1.32 tons in any 12-consecutive month period and the PM10 emissions shall not exceed 0.005 grain per dry standard cubic foot of effluent gas volume, 0.3 pound per hour and 1.32 tons in any 12-consecutive month period. Additionally, there shall be no visible emissions from the fabric collector (other than water vapor or steam).

240. The waste coal processing, conveying and storage systems are subject to Subpart Y of the Federal New Source Performance Standards, 40 CFR 60.250—60.254. The permittee shall comply with all applicable requirements of this Subpart as well as any other applicable Subpart of the Standards of Performance, including all recordkeeping and reporting requirements. Under 40 CFR 60.4 of the Standards of Performance, the submission of

all requests, reports, applications, submittals and other communications required by the Standards of Performance must be made to both the Department of Environmental Protection and the Environmental Protection Agency. The Environmental Protection Agency copies may be sent to:

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Protection
Air Quality Program Manager
208 W. Third Street, Suite 101
Williamsport, PA 17701-6448

241. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, all truck deliveries of limestone to the facility shall be pneumatically conveyed to a 1,200 ton capacity limestone storage silo which shall be controlled by a fabric collector at all times that limestone is being transferred to the silo. Within 30 days of the selection of the specific collector the permittee proposes to install, the permittee shall notify the Department of the manufacturer and model of the specific collector selected and shall additionally, at the same time, submit to the Department for review specifications for the collector that are comprehensive enough to allow the Department to determine if the selected collector is equivalent to that proposed in the plan approval application.

242. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the limestone storage silo fabric collector shall have an effective air-to-cloth ratio under actual conditions of no more than 8:1 and the collector bags shall be cleaned using reverse air jets.

243. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the facility shall receive no more than 81,380 tons of limestone in any 12-consecutive month period. Records shall be maintained of the amount of limestone received during each month. All records generated under this condition shall be retained for at least 5 years and shall be made available to the Department upon request.

244. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall submit semi-annual reports to the Department listing the amount of limestone received at the facility during each month of the respective reporting period. Each semi-annual report shall be submitted to the Department by no later than September 1 (for the immediately-preceding January 1 through June 30 period) and March 1 (for the immediately-preceding July 1 through December 31 period).

245. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the PM emissions from the limestone storage silo fabric collector shall not exceed 0.005 grain per dry

standard cubic foot of effluent gas volume, 0.07 pound per hour and 0.31 ton in any 12-consecutive month period and the PM10 emissions shall not exceed 0.005 grain per dry standard cubic foot of effluent gas volume, 0.07 pound per hour and 0.31 ton in any 12-consecutive month period. Additionally, there shall be no visible emissions from the fabric collector (other than water vapor or steam).

246. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the two 224 ton capacity limestone day bins shall be located within the fully enclosed boiler house building. The PM emissions from the two bins shall be controlled by a fabric collector at all times that limestone is being received, transferred or stored within the boiler house building. Within 30 days of the selection of the specific collector the permittee proposes to install, the permittee shall notify the Department of the manufacturer and model of the specific collector selected and shall additionally, at the same time, submit to the Department for review specifications for the collector that are comprehensive enough to allow the Department to determine if the selected collector is equivalent to that proposed in the plan approval application.

247. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the limestone day bin fabric collector shall have an effective air-to-cloth ratio under actual conditions of no more than 8:1 and the collector bags shall be cleaned using reverse air jets.

248. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the PM emissions from the limestone day bin fabric collector shall not exceed 0.005 grain per dry standard cubic foot of effluent gas volume, 0.05 pound per hour and 0.22 ton in any 12-consecutive month period and the PM10 emissions shall not exceed 0.005 grain per dry standard cubic foot of effluent gas volume, 0.05 pound per hour and 0.22 ton in any 12-consecutive month period. Additionally, there shall be no visible emissions from the fabric collector (other than water vapor or steam).

249. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, all ash shall be pneumatically conveyed by means of vacuum to a 2,000 ton capacity ash storage silo which shall be controlled by a fabric collector at all times that ash is being transferred to the silo. Within 30 days of the selection of the specific collector the permittee proposes to install, the permittee shall notify the Department of the manufacturer and model of the specific collector selected and shall additionally, at the same time, submit to the Department for review specifications for the collector that are comprehensive enough to allow the Department to determine if the selected collector is equivalent to that proposed in the plan approval application.

250. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the ash storage silo fabric collector shall have an effective air-to-cloth ratio under actual conditions of no more than 8:1 and the collector bags shall be cleaned using reverse air jets.

251. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the PM emissions from the ash storage silo fabric collector shall not exceed 0.005 grain per dry standard cubic foot of effluent gas volume, 0.195 pound per hour and 0.86 ton in any 12-consecutive month period and the PM10 emissions shall not exceed 0.005 grain per dry standard cubic foot of effluent gas volume, 0.195 pound per hour and 0.86 ton in any 12-consecutive month period. Additionally, there shall be no visible emissions from the fabric collector (other than water vapor or steam).

252. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the facility shall remove no more than 195,884 tons of ash in any 12-consecutive month period. Records shall be maintained of the amount of ash removed during each month. All records generated under this condition shall be retained for at least 5 years and shall be made available to the Department upon request.

253. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall submit semi-annual reports to the Department listing the amount of ash removed from the facility during each month of the respective reporting period. Each semi-annual report shall be submitted to the Department by no later than September 1 (for the immediately-preceding January 1 through June 30 period) and March 1 (for the immediately-preceding July 1 through December 31 period).

254. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, all ash shall be sufficiently conditioned with water in a pug mill prior to the loading of the ash into trucks in order to prevent fugitive emissions from occurring.

255. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the ash hoppers, pug mill and associated water supply lines shall be heated with an electrical or steam heat tracing system.

256. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, an extending ash discharge spout shall be used during all ash loadouts into trucks in order to minimize the drop height.

257. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, all trucks containing ash shall be covered to prevent fugitive air contaminant emissions from occurring.

258. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, all No. 2 fuel oil and diesel fuel burned in any source at this facility shall be virgin fuel to which no reclaimed or reprocessed oil or other waste materials have been added. Additionally, the sulfur content of the No. 2 fuel oil and diesel fuel shall not, at any time, exceed 0.05% (by weight).

259. The permittee shall sample and analyze each delivery of No. 2 fuel oil and diesel fuel to determine its sulfur content or shall obtain a fuel certification report from the fuel supplier for each delivery which identifies and certifies its sulfur content.

260. The permittee shall keep records of the No. 2 fuel oil/diesel fuel analyses and/or fuel certification reports used to verify compliance with the % sulfur limitation for the No. 2 fuel oil and diesel fuel. These records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

261. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, each fabric collector at the facility shall be equipped with instrumentation to continuously monitor the pressure drop across the fabric collector. The CFB boiler fabric collector shall also have instrumentation to continuously monitor the inlet flue gas temperature.

262. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, a sufficient quantity of spare fabric bags for each fabric collector at the facility shall be kept on hand at all times in order to immediately replace any worn or damaged bags due to deterioration resulting from routine operation of any of the fabric collectors.

263. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the air compressor(s) supplying the compressed air for the fabric collectors at the facility shall be equipped with an air dryer and oil trap.

264. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, weekly visible air contaminant emissions observations, weekly differential pressure readings and semi-annual Method 9 tests shall be performed on the grain receiving fabric collector, two corn bin fabric collectors, surge bin fabric collector, hammermill fabric collector, DDGS loadout fabric collector, waste coal bunker fabric collector, waste coal screening and crushing building fabric collector, boiler house building fabric collector, limestone storage silo fabric collector, limestone day bin fabric collector and ash storage silo fabric collector. All observations and testing performed on a collector shall be conducted while the source being controlled by the respective fabric collector is actually in operation (such as storage silos must actually be in the process of being filled, and the like). If, during the performance of any of the visible air contaminant emission observations or Method 9 tests, any opacity in excess of 0% is observed (other than that associated with water vapor or steam), the respective collector shall be inspected, the cause of the excess opacity determined and all necessary repairs performed. The results from each weekly visible emission observation, each weekly reading of the differential pressure across each fabric collector and each semi-annual Method 9 test shall be recorded as shall any occurrences of collector inspection and repair which result from the observations and tests. These records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

265. The permittee shall submit reports to the Department on a semi-annual basis that include:

a. The identity of each fabric collector which had a visible air contaminant emission observation in excess of

0% during the prior 6-consecutive month period as well as the date and time of each such observation.

b. The results of the collector inspection and the nature of any repairs performed, for each occurrence of observed opacity in excess of 0% for each fabric collector during the prior 6-consecutive month period.

The semi-annual reports shall be submitted to the Department by no later than September 1 of each year (containing the records generated for the immediately-preceding January through June 6-month period) and March 1 of each year (containing the records generated for the immediately-preceding July through December, 6-month period).

266. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, an operable vacuum-type road sweeper shall be maintained onsite at all times and shall be used, as needed, to remove dust from roadways. The use of nonvacuum type road sweepers is prohibited.

267. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, all facility roadways shall be paved and properly maintained.

268. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provision of 25 Pa. Code §§ 127.1 and 127.12, the facility shall establish and enforce, a vehicle speed limit of no higher than 10 miles per hour on all plant roadways. This speed limit shall be posted in highly visible locations along the respective roadways.

269. At least 60 days prior to the performance of any stack testing or portable emissions analyzer testing required by condition 16, 31, 57, 58, 105, 155, 180, 192 herein, three copies of a test plan or protocol shall be submitted to the Department for evaluation. The protocol shall describe the test methods and procedures to be used in the performance of testing and shall include dimensioned sketches of the exhaust systems showing the locations of all proposed sampling ports. The protocol shall also identify all process data which will be monitored and recorded during testing.

270. The Department shall be given at least 10 days advance notice of the scheduled dates for the performance of any stack testing or portable emissions analyzer testing required by condition 16, 31, 57, 58, 105, 155, 180, 192 herein. The Department is under no obligation to accept the results of any testing performed without proper notification having been given.

271. Within 60 days of the completion of any stack testing or portable emissions analyzer testing required by condition 16, 31, 57, 58, 105, 155, 180, 192 herein, three copies of a test report shall be submitted to the Department. This test report shall contain the results of the testing, a description of the test methods and procedures actually used in the performance of the tests, copies of all process data collected during the testing, copies of all raw test data and copies of all calculations generated during data analysis. The results of the testing shall be expressed in units which allow for a direct comparison and determination of compliance, with the air contaminant emission limitations contained herein.

272. Under the New Source Review provisions of 25 Pa. Code §§ 127.201—127.217, the permittee shall have in their possession 196.65 tons of NO_x emission reduction

credits (ERCs) prior to the start of operation of any source at the facility and shall demonstrate this to the Department's satisfaction.

273. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, the construction of this facility shall not result in the consumption of more than 10.2 $\mu\text{g}/\text{m}^2$ of the allowable 25 $\mu\text{g}/\text{m}^3$ annual NO_x increment, 28.2 $\mu\text{g}/\text{m}^3$ of the allowable 30 $\mu\text{g}/\text{m}^3$ 24-hour PM₁₀ increment, 6.2 $\mu\text{g}/\text{m}^3$ of the allowable 17 $\mu\text{g}/\text{m}^3$ annual PM₁₀ increment, 275.9 $\mu\text{g}/\text{m}^3$ of the allowable 512 $\mu\text{g}/\text{m}^3$ 3-hour SO₂ increment, 74.4 $\mu\text{g}/\text{m}^3$ of the allowable 91 $\mu\text{g}/\text{m}^3$ 24-hour SO₂ increment and 13.9 $\mu\text{g}/\text{m}^3$ of the allowable 20 $\mu\text{g}/\text{m}^3$ annual SO₂ increment at this site.

274. Under the Prevention of Significant Deterioration provisions in 40 CFR 52.21 and 25 Pa. Code § 127.83, the permittee shall install a fence and gates to enclose all areas within the ambient air boundary as shown in Figures 3-1 of the plan approval application modeling analysis report. Fencing and gates shall also border the railroad line which passes through the facility. The fence shall be at a minimum three-wire, barbed or smooth, the top wire at a height of no less than 4 feet and constructed such that an adult person cannot easily step through. The fence shall have signs spaced at intervals no greater than 100 yards, with the message "No Trespassing". Lockable gates shall be installed at any place where access through the fence is needed. Video cameras shall be installed, viewing gates at all plant entrances. These gates shall be viewable on monitors installed in the plant's main control room.

275. The issuance of an operating permit for this facility is contingent upon all sources being constructed, all air cleaning devices being installed and all sources and air cleaning devices subsequently being maintained and operated, as described in the plan approval and supplemental materials submitted for this application and in accordance with all conditions contained herein and upon satisfactory demonstration that any air contaminant emissions are in compliance with all limitations specified herein, as well as in compliance with all requirements specified in, or established pursuant to, all applicable rules and regulations contained in 25 Pa. Code Chapters 121—145 and all applicable requirements specified in, or established pursuant to, the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, Subpart Dc of the Federal Standards of Performance for New Stationary Sources 40 CFR 60.40c—60.48c, Subpart Db of the Federal Standards of Performance for New Stationary Sources 40 CFR 60.40b—60.49b, Subpart IIII of the Federal Standards of Performance for New Stationary Sources 40 CFR 60.4200—60.4219, Subpart Y of the Federal Standards of Performance for New Stationary Sources 40 CFR 60.250—60.254, Subpart Kb of the Federal Standards of Performance for New Stationary Sources 40 CFR 60.110b—60.117b and Subpart VV of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.480—60.489.

276. The permittee shall report malfunctions to the Department which occur at this facility.

a. As defined in 40 CFR § 60.2 and incorporated by reference in 25 Pa. Code Chapter 122, a malfunction is any sudden, infrequent and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.

b. Failures that are caused in part by poor maintenance or careless operation shall be reported as excess emissions or deviations from the plan approval requirements.

c. When the malfunction, excess emissions or deviation from the plan approval requirements poses an imminent and substantial danger to public health and safety, or potential harm to the environment, the permittee shall notify the Department by telephone no later than 1 hour after the incident.

d. Any malfunction, excess emissions or deviation from the plan approval requirements that is not subject to the notice requirements of subsection (c) of this plan approval condition shall be reported to the Department within 24 hours of discovery. In notifying the Department, the permittee shall describe the following:

- (i) Name and location of the facility;
- (ii) Nature and cause of the malfunction or breakdown;
- (iii) Time when the malfunction or breakdown was first observed;
- (iv) Expected duration of excess emissions;
- (v) Estimated rate of emissions; and
- (vi) Corrective actions or preventative measures taken.

e. The permittee shall notify the Department immediately when corrective measures have been accomplished.

f. Upon the request of the Department, the permittee shall submit a full written report to the Regional Air Program Manager within 15 days of the malfunction, excess emissions or deviation from the plan approval requirements.

277. This plan approval authorizes temporary operation of the source covered by this plan approval provided the following conditions are met:

a. The Department must receive written notice from the Owner/Operator of the completion of construction and the Operator's intent to commence operation at least 5 working days prior to the commencement of operation. The notice should state when construction will be completed and when Operator expects to commence operation.

b. Operation is authorized only to facilitate the start-up and shake-down of sources and air cleaning devices, to permit operations pending the issuance of an operating permit or to permit the evaluation of the source(s) for compliance with all applicable regulations and requirements.

c. This condition authorizes temporary operation of the sources for a period of 180 days from the date of commencement of operation, provided the Department receives notice from the Owner/Operator under subpart (a), above.

d. The Owner/Operator may request an extension if compliance with all applicable regulations and plan approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of this period of temporary operation and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance and the reasons compliance has not been established.

e. The notice submitted by the Owner/Operator Under subpart (a), above, prior to the expiration of this plan approval, shall modify the plan approval expiration date.

The new plan approval expiration date shall be 180 days from the date of commencement of operation.

278. Under the Prevention of Significant Deterioration provisions of 40 CFR 52.21 and of 25 Pa. Code § 127.83, this plan approval shall be null and void if construction (as defined in 40 CFR 52.21(b)(8)) has not commenced within 18 months of the issuance of the plan approval or if there is more than an 18-month lapse in construction. The permittee shall submit to the Department a detailed construction schedule for the entire facility within 180 days of issuance of the plan approval.

279. The facility is subject to the Title V operating permit requirements of 25 Pa. Code Chapter 127, Subchapters F and G. The permittee shall submit a complete and timely Title V operating permit application to the Department no later than 120 days after being notified by the Department to do so. The permittee shall include the information specified in 25 Pa. Code § 127.503 in the Title V operating permit application. The Title V operating permit application shall include a complete compliance assurance monitoring (CAM) plan in accordance with 40 CFR 64.4 for each applicable air cleaning device. Additionally, the permittee shall comply with all applicable requirements as specified in 40 CFRs 64.1—64.10 regarding CAM requirements for each applicable air cleaning device. The Title V operating permit application is timely if a complete application is submitted to the Department within the time frame specified above and applicable fees have been paid in accordance with 25 Pa. Code § 127.704. The application is complete if it contains sufficient information to begin processing the application, has the applicable sections completed and has been signed by a responsible official as defined in 25 Pa. Code § 121.1. A Title V operating permit application can be obtained by contacting the Department.

280. Any notification required as a result of any condition herein should be directed to Robert B. Elliott and Cortney A. Danneker, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 321-6574 and (570) 321-6561.

A copy of the plan approval application is available for public inspection during normal business hours at the address listed below. Persons interested in inspecting the application must schedule an appointment in advance.

A public hearing will be held at 7:30 p.m. on Wednesday, May 2, 2007, at the Curwensville High School auditorium, 650 Beech Street, in Curwensville for the purpose of receiving comments on the Department's proposed issuance of plan approval for the construction of the respective facility. The public hearing will be preceded by a public meeting, scheduled to begin at 6:30 p.m., during which time a brief description of the proposed project and explanation of the plan approval process will be given and an opportunity to ask questions will be provided. Notice of this public meeting and hearing was published in the *Clearfield Progress* on April 2, 2007.

Anyone unable to attend the public hearing who wishes to protest the issuance of plan approval or provide the Department with information which he/she believes should be considered in the Department's review of the respective plan approval application may do so by submitting the protest or information, in writing, to the Department at the address listed below. Protests or comments must be received by the Department within 30 days of the last date of publication of this notice in order to be considered. Each protest or comment should include the name, address and telephone number of the person

submitting the protest or comment, as well as a precise statement explaining the relevancy of the protest or comment being presented to the Department.

Written protests or comments should be directed to David W. Aldenderfer, Environmental Program Manager, Air Quality Program, Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

For additional information regarding the respective plan approval application, contact Richard L. Maxwell, Jr., Chief, New Source Review Section, Air Quality Program, Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, telephone (570) 327-3640.

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

62-017P: United Refining Co. (15 Bradley Street, Warren, PA 16365) for modification of Boiler No. 4 to install flue gas recirculation in City of Warren, **Warren County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval at Title V facilities in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate BAT for the source:

- Subject to 25 Pa. Code 123.22(a)(1)
- The source shall comply with 25 Pa. Code 123.1, 123.31, & 123.41 for Fugitive, Odors and Visible Emissions respectively.
- The source shall meet the following emission limitations:
 - SO_x: 7.21 no./hr and 28.2 tpy based on a consecutive 12-month period [Compliance with this requirement assures compliance with SO₂ PA: 62-017E condition 4 and 62-302-010A]
 - CO: 37.7 no./hr and 147.2 tpy based on a consecutive 12-month period [Compliance with this requirement assures compliance with 62-302-010A]
 - NO_x: 10.76 no./hr and 42.0 tpy based on a consecutive 12-month period [Compliance with this requirement assures compliance with 62-302-010A]
 - PM/PM₁₀: 2.0 no./hr and 7.8 tpy based on a consecutive 12-month period [Compliance with this requirement assures compliance with 62-302-010A]
 - VOC: 1.45 no./hr and 5.68 tpy based on a consecutive 12-month period [Compliance with this requirement assures compliance with 62-302-010A]
- Subject to 40 CFR 60 Subparts D and J
- The sulfur content shall not exceed the following:
 - No. 6 Fuel Oil: 1.5% by weight
 - Used Oil: 0.7% by weight
 - Refinery Fuel Oil: 2.8% by weight
 - H₂S content in refinery fuel gas shall not exceed 0.1 grain/dscf.
 - The used oil burned shall not exceed any of the specified acceptable levels (ppm by weight) given below:
 - Arsenic < 5 ppm

- Cadmium < 2 ppm
- Chromium < 10 ppm
- Lead < 100 ppm
- PCBH < 10 ppm
- Total Halides < 1000 ppm
- Flash > 100F
- The fuel oil burned shall be sampled not less than three times per week. If the % sulfur by weight exceeds the limit or if the used oil exceeds any of the specified acceptable levels (ppm by weight), the permittee will submit the results to the Department within 5 days from the sampling. The permittee shall keep the results in a file for at least 5 years. This file shall be made available to the Department upon request.

• Within 60 days after written approval by the Department of the Phase I monitoring plan, the permittee shall proceed with Performance Specification Testing. If any additional equipment purchases or installation of equipment are required to meet Department monitoring system requirements, an appropriate schedule extension will be granted. The Department's Bureau of Air Quality, CEM Section, shall be advised in writing at least 45 days prior to Performance Specification Testing and provided the opportunity to observe and participate in all testing. A testing protocol, describing all testing procedures and methodology to be used shall accompany the notice of testing. Schedule changes shall be reported seven days prior to testing except that failed tests may be repeated immediately. During testing, the source shall be operated in a manner that is representative of normal operating conditions. At least one hour of normal operation with the monitoring system actually conducting measurements shall occur prior to conducting any testing. The CEM Section reserves the right to conduct testing during the Performance Specification Testing or at any time thereafter. All Performance Specification Testing shall be conducted in accordance with the appropriate performance specification test procedures contained in the Department's "Continuous Source Monitoring Manual." Note that the entire CEMS, including all data handling, recordkeeping and reporting systems/procedures shall be operational prior to testing. All data collected shall be reported to the Department in a format approved by the Department.

• After certification of the NO_x CEM, this condition is no longer applicable. The source shall be tested annually to demonstrate compliance with the NO_x emission limits. Testing shall be done in accordance with the provisions of 25 Pa. Code Chapter 139 and the following conditions:

• At least 60 days prior to the test, three copies of a test procedure and sketch with dimensions indicating the location of sampling ports and other data to ensure the collection of representative samples shall be submitted to the Department.

• At least two weeks prior to the test, the Department shall be informed of the date and time of the test.

• Within 30 days after completion of the test, three copies of the complete test report, including all operating conditions, shall be submitted to the Department for approval. (Authority for this condition is also derived from 25 Pa. Code 129.92)

• The permittee shall perform a stack test within 6 months of initial Title V permit issuance and then within 6 months of Title V permit renewal thereafter, in accord-

ance with 25 Pa. Code Chapter 139, for SO_x (lbs/mmBtu) and (lbs/hr), CO (lbs/hr), VOC (lbs/hr) and PM (lbs/mmBtu) and (lbs/hr).

- The permittee shall submit three copies of a pretest protocol, in accordance with 25 Pa. Code Chapter 139, 60 days prior to performing stack test, required under part (d), to the Department for approval.

- The permittee shall submit three copies of the stack test report within sixty days after completion of stack test, required under part (d), to the Department for approval.

- Subject to 25 Pa. Code 123.46 and 123.51

- Subject to 25 Pa. Code 139.101 and 139.103

- The permittee shall maintain daily records of gallons of fuel oil used. The records shall be maintained for at least 5 years and the file shall be made available to the Department upon request.

- The Flue Gas Recirculation (FGR) system shall be installed and operated in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

- The permittee shall perform an annual tune-up on the combustion process. The emissions of NO_x shall be minimized by annual combustion tuning, good perating practices and good air pollution control practices. The annual tune-up shall include, but not be limited to, the following:

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

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

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

- Recording all adjustments in a permanently bound log book containing, at a minimum, the following information:

- The date of the tuning procedure.

- The name of the service company and technicians.

- The final operating rate or load.

- The final CO and NO_x emission rates in lb/mmBtu.

- The final excess oxygen rate.

- The source shall be maintained and operated in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

- The permittee shall comply with the following requirements:

- NO_x Account: 25 Pa. Code § 145.10—145.14.

- Accounting Process for Deposit, Use and Transfer of Allowance: 25 Pa. Code § 145.50—145.57.

- NO_x Allowance Transfers: 25 Pa. Code § 145.60—145.62.

- Opt-In Process: 25 Pa. Code § 145.80—145.88.

- The emission limitations, monitoring and all other requirements of the NO_x Budget Trading Program established in 25 Pa. Code § 145.1-145.90 are hereby incorporated by reference.

- Except as provided under 25 Pa. Code § 145.11 (relating to alternate NO_x authorized account representative), each NO_x budget source, including all NO_x budget units at the source, shall have one and only one, NO_x authorized account representative, with regard to all matters under the NO_x Budget Trading Program concerning the source or any NO_x budget unit at the source. Each submission under the NO_x Budget Trading Program shall be submitted, signed and certified by the NO_x authorized account representative for each NO_x budget source on behalf of which the submission is made.

- Monitoring requirements.

- The owners and operators and the NO_x authorized account representative of each NO_x budget source and each NO_x budget unit at the source shall comply with the monitoring requirements of 25 Pa. Code § 145.70—145.76 (relating to recordkeeping and recording requirements).

- The emissions measurements recorded and reported in accordance with 25 Pa. Code § 145.70—145.76 shall be used to determine compliance by the unit with the NO_x budget emissions limitation under 25 Pa. Code § 145.6(c).

- NO_x requirements.

- The owners and operators of each NO_x budget source and each NO_x budget unit at the source shall hold NO_x allowances available for compliance deductions under 25 Pa. Code § 145.54 (relating to compliance), as of the NO_x allowance transfer deadline, in the unit's compliance account and the source's overdraft account in an amount not less than the total NO_x emissions for the control period from the unit, as determined in accordance with 25 Pa. Code § 145.70—145.76 plus any amount necessary to account for actual heat input under 25 Pa. Code § 145.42(e) (relating to NO_x allowance allocations) for the control period or to account for excess emissions for a prior control period under 25 Pa. Code § 145.54(d) or to account for withdrawal from the NO_x Budget Trading Program, or a change in regulatory status, of a NO_x budget optin unit under 25 Pa. Code § 145.86 or 25 Pa. Code § 145.87 (relating to optin source withdrawal from NO_x Budget Trading Program; and optin source change in regulatory status).

- Each ton of NO_x emitted in excess of the NO_x budget emissions limitation shall constitute a separate violation of this subchapter and the act.

- A NO_x budget unit shall be subject to paragraph (1) above starting on March 1, 2003, or the date on which the unit commences operation, whichever is later.

- NO_x allowances shall be held, deducted from or transferred among NO_x Allowance Tracking System accounts in accordance with 25 Pa. Code § 145.40—145.43, 25 Pa. Code § 145.50—145.57, 25 Pa. Code § 145.60—145.62 and 25 Pa. Code § 145.80—145.88.

- A NO_x allowance may not be deducted, to comply with paragraph 1 above, for a control period in a year prior to the year for which the NO_x allowance was allocated.

- A NO_x allowance allocated by the Department under the NO_x Budget Trading Program is a limited authorization to emit 1 ton of NO_x in accordance with the NO_x Budget Trading Program. No provision of the NO_x Budget Trading Program or an exemption under 25 Pa. Code

§ 145.4(b) or 145.5 (relating to applicability; and retired unit exemption) and no provision of law limit the authority of the United States or the Department to terminate or limit the authorization.

- A NOx allowance allocated by the Department under the NOx Budget Trading Program does not constitute a property right.

- Excess emissions. The owners and operators of a NOx budget unit that has excess emissions in any control period shall do the following:

- Surrender the NOx allowances required for deduction under 25 Pa. Code § 145.54(d)(1) (relating to compliance).

- Recordkeeping and reporting requirements.

- Unless otherwise provided, the owners and operators of the NOx budget source and each NOx budget unit at the source shall maintain at a central location and provide upon request by the Department or the NOx Budget Administrator the following documents for 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the Department or the Administrator.

- Certification applications. The NOx authorized account representative shall submit an application to the Department within 45 days after completing all initial certification or recertification tests required under 25 Pa. Code § 145.71 (relating to initial certification and recertification procedures) including the information required under 40 CFR Part 75, Subpart H.

- Source emissions reporting requirements.

- The NOx authorized account representative shall submit to the Department and the NOx Budget Administrator a quarterly emissions report in accordance with the requirements of 25 Pa. Code § 145.74(d).

- The NOx authorized account representative shall submit to the Department and the NOx Budget Administrator a compliance certification in support of each quarterly report required under 25 Pa. Code § 145.74(d) based on reasonable inquiry of those persons with primary responsibility for ensuring that all of the unit's emissions are correctly and fully monitored.

- Compliance certification report. For each control period in which one or more NOx budget units at a source are subject to the NOx budget emissions limitation, the NOx authorized account representative of the source shall submit to the Department and the NOx Budget Administrator by November 30 of that year, a compliance certification report for the source covering all of the units.

- Emission reduction credit provisions. NOx budget units may create, transfer and use emission reduction credits (ERCs) in accordance with Chapter 127 (relating to construction, modification, reactivation and operation of sources) and 25 Pa. Code § 145.90. ERCs may not be used to satisfy NOx allowance requirements.

16-149A: Clarion Laminates, LLC (143 Fiberboard Road, Shippenville, PA 16245) Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b) that the Department intends to issue a plan approval to install two laminate flooring lines and associated equipment at a new facility adjacent to the existing Clarion Boards, LLC facility located in Paint Township, **Clarion County**. The facility will be a major facility. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date.

As a general summary, the following requirements are applicable to the four dust collectors to control emissions from two laminating lines and two profiling lines:

1. a. Particulate emissions from the source shall not exceed 0.005 grain/dscf.

- b. Particulate emissions from the source shall not exceed 1.7 pounds per hour.

2. The stack tests shall be performed in accordance with the provisions of Chapter 139 of the Rules and Regulations of the Department to demonstrate compliance with the PM and opacity emission limits for this source.

3. Continuous Assurance Monitoring (CAM) limits that include pressure drop ranges and maximum visual emission limits as indicators to show compliance.

4. Applicable monitoring and recordkeeping conditions to indicate compliance with the previously listed requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at 230 Chestnut Street, Meadville, PA 16335.

Interested persons wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. The Department will consider any written comments received within 30 days of the publication of this notice. Each written comment must contain the following: name, address and telephone number of the person submitting the comments. Identification of the proposed permit [No.]. A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should by contacting Carolyn Cooper, P. E., or the Pennsylvania AT&T relay service at (800) 654-5984 (TDD) to discuss how the Department may accommodate your needs.

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

*Department of Public Health, Air Management Services:
321 University Avenue, Philadelphia, PA 19104, Edward Braun, Chief, (215) 685-9476.*

AMS 07024: Premier Medical (10090 Sandmeyer Lane, Philadelphia, PA 19116) for a minor modification of Plan Approval No. 99125 to remove the capability to process halogenated solvents in their vapor degreaser in the City of Philadelphia, **Philadelphia County**. Removing the capability to use halogenated solvents removes applicability to 40 CFR 63 Subpart T for halogenated solvent cleaning. The plan approval will contain operating, monitoring and recordkeeping requirements to ensure operation within all applicable requirements.

OPERATING PERMITS

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

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

48-00005: Hercules Cement Co., LP—d/b/a Buzzi Unicem USA (501 Center Street, Stockertown, PA 18083) for a renewal Title V Operating Permit for a cement manufacturing facility in Stockertown Borough, **Northampton County**. The facility has numerous sources within the following process areas of the facility including: Quarry, Raw Mill, Preheater/Precalciner/Kiln, Clinker Cooling, Finish Milling, Packing/Stockhouse/Loadout, Solid Fossil Fuel Mill and one Boiler. These sources have the potential to emit major quantities of CO, NO_x, SO_x and PM (PM_{2.5}, PM₁₀) emissions above the Title V emission thresholds. The facility is considered a major stationary source subject to the Title V Operating Permit requirements adopted in 25 Pa. Code 127, Subchapter G. The proposed renewal Title V operating permit will incorporate all applicable air quality requirements for each significant source at the facility. The proposed renewal Title V Operating Permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

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

11-00034: Johnstown Specialty Castings, Inc. (545 Central Avenue, Johnstown City, PA) Title V Operating Permit Renewal (DRAFT) is proposed for continued operation of their Johnstown Foundry in Johnstown City, **Cambria County**, PA. The facility has the potential to emit VOC, CO and PM at levels exceeding major limits as defined by 25 Pa. Code.

03-00975: Armstrong Energy Limited Partnership, LLLP (2313 SR 156, Shelocta, PA 15774) Draft Operating Permit for their South Bend Station in South Bend Township, **Armstrong County**. The facility's major sources of emissions include four dual-fuel Combustion Turbines, rated at a nominal 165.1MW each, which emit major quantities of NO_x and CO. Proposed operating permit contains applicable emission limits, as well as testing, monitoring, recordkeeping and reporting requirements.

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

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

40-00051: Airport Sand and Gravel Co., Inc. (500 Swetland Lane, West Wyoming, PA 18644) for operation of a stone crushing operation and associated air cleaning devices at their Duryea facility in Duryea Borough, **Luzerne County**. This action is a renewal of the State-only (Natural Minor) Operating Permit for this facility. This Operating Permit shall include emission restrictions, monitoring, recordkeeping and reporting requirements designed to ensure this facility complies with all applicable air quality regulations.

64-00006: Hanson Aggregates PA, Inc. (1900 Sullivan Trail, Easton, PA 18040) for operation of a batch asphalt plant, which can utilize recycled asphalt pavement materials and associated air cleaning devices at their facility in Lake Township, **Wayne County**. This

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

64-00007: Hanson Aggregates PA, Inc. (1900 Sullivan Trail, Easton, PA 18040) for a rock crushing operation and associated air cleaning devices at their facility in Lake Township, **Wayne County**. This action is a renewal of the State-only (Natural Minor) Operating Permit for this facility. This Operating Permit shall include emission restrictions, monitoring, recordkeeping and reporting requirements designed to ensure this facility complies with all applicable air quality regulations.

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

06-03551: MGP, LLC (796 Fritztown Road, P. O. Box 2193, Sinking Spring, PA 19608) for operation of a graphite processing facility controlled by five fabric collectors in Spring Township, **Berks County**. The facility has the potential to emit 13.4 tpy of particulate. The permit will include monitoring, work practices, recordkeeping and reporting requirements designed to keep the foundry operating within all applicable air quality requirements.

36-03121: Cadmus Journal Services—Lancaster (3575 Hempland Road, Lancaster, PA 17601) for operation of their printing facility in West Hempfield Township, **Lancaster County**. This action is a renewal of the previous operating permit and all applicable permit requirements remain in effect.

36-03167: Burle Industries, Inc. (1000 New Holland Avenue, Lancaster, PA 17601) for their electronic tube manufacturing and plating operations in the City of Lancaster, **Lancaster County**. This is a non-Title V (State-only) facility. The State-only operating permit shall contain restrictions, monitoring, work practice standards, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

36-05149: Burle Business Park, LP (1004 New Holland Avenue, Lancaster, PA 17601) for operation of four facility boilers at the Business Park in the City of Lancaster, **Lancaster County**. This is a non-Title V (State-only) facility. The State-only operating permit shall contain emission restrictions, fuel restrictions, monitoring, work practice standards, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

67-03033: The Sheridan Press (450 Fame Avenue, Hanover, PA 17331-9581) for operation of their printing facility in Penn Township, **York County**. This action is a renewal of the current operating permit and all applicable permit requirements remain in effect.

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

11-00498: Pets After Life Services (316 Allen Street, Portage, PA 15946) for operation of an animal crematory in Portage Township, **Cambria County**.

03-00179: Leading Technologies, Inc. (1153 Industrial Park Road, P. O. Box 628, Leechburg, PA 15656) for manufacturing plating and polishing at facility in Parks Township, **Armstrong County**.

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

37-00185: Universal Refractories (915 Clyde Street, Wampum, PA 16157) for a renewal operating permit in Wampum Borough, **Lawrence County**. The significant sources are four drying ovens, refractory sanding, magnesium oxide processing, bulk blending and miscellaneous natural gas usage. The conditions of Plan Approval 37-185B and 37-185C were incorporated into the renewal permit. The facility has taken an elective restriction of 9.9 tpy of phenol based on a 12-month rolling total and will demonstrate compliance with this limit by keeping records of the phenol emissions, the resin and phenol percentage in the resin. With the given restrictions, the status of the facility operating permit will change from a Natural Minor to a Synthetic Minor.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

Written comments, objections or requests for informal conferences on applications may be submitted by any

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

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

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

Coal Applications Received

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

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

¹The parameter is applicable at all times.

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

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

56070104 and NPDES No. PA0262382. Future Industries, Inc., P. O. Box 157, Meyersdale, PA 15552 commencement, operation and restoration of a bituminous surface auger mine in Summit and Brothersvalley Townships, **Somerset County**, affecting 328.4 acres. Receiving streams: Piney Run, Buffalo Creek, Casselman River classified for the following uses: CWF; WWF. There are no potable water supply intakes within 10 miles downstream. Application received on March 22, 2007.

56020102 and NPDES No. PA0249157. Croner, Inc., P. O. Box 260, Friedens, PA 15541, permit renewal for the

continued operation and restoration of a bituminous surface and redstone limestone mine in Brothersvalley and Summit Townships, **Somerset County**, affecting 170.8 acres. Receiving streams: UNTs to Blue Lick Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received on March 19, 2007.

32870101 and NPDES No. PA0597899. Urey Coal Company, 6015 Ferguson Road, Indiana, PA 15701, permit renewal for reclamation only of a bituminous surface and auger mine in Banks Township, **Indiana County**, affecting 156.4 acres. Receiving streams: UNTs to Cush Creek and Cush Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received on March 22, 2007.

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

63-06-02 and NPDES Permit No. PA0251127. Oxford Mining Company (544 Chestnut Street, P. O. Box 427, Coshocton, OH 43812). Government Financed Construction Contract to reclaim abandoned mine lands, located in Jefferson Township, **Washington County**, affecting 51.8 acres. Receiving stream: Scott Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received on March 20, 2007.

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

33820121 and NPDES Permit No. PA0604623. Terry Coal Sales, Inc. (P. O. Box 58, Distant, PA 16223-0058). Renewal of an existing bituminous surface strip and auger operation in Knox Township, **Jefferson County** affecting 144.0 acres. Receiving streams: UNT of Sandy Lick Creek to Sandy Lick Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received on March 27, 2007.

33950108 and NPDES Permit No. PA0227111. T. L. H. Coal Co. (4401 Pollock Road, Marion Center, PA 15759). Renewal of an existing bituminous surface strip and auger operation in Perry Township, **Jefferson County** affecting 67.0 acres. Receiving stream: McCracken Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received on March 27, 2007.

16070102 and NPDES Permit No. PA0258288. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Commencement, operation and restoration of a bituminous surface strip operation in Toby Township, **Clarion County** affecting 182.3 acres. Receiving streams: UNT to Black Fox Run and Black Fox Run and UNT to Catfish Run, classified for the following use: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received on March 21, 2007.

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

54860110R4. Reading Anthracite Company, (P. O. Box 1200, Pottsville, PA 17901), renewal of an existing anthracite surface mine operation in Cass and Foster Townships, **Schuylkill County** affecting 99.0 acres, receiving stream: none. Application received on March 22, 2007.

13070101. Keystone Anthracite Marketing Corporation, (P. O. Box 126, Paxinos, PA 17860), commencement, operation and restoration of an anthracite surface mining operation and Coal Ash Placement in Nesquehoning Borough, **Carbon County** affecting 252.3 acres, receiving stream: Nesquehoning Creek and tributaries classified for the following use CWF. Application received on March 21, 2007.

40-305-004GP12. Northampton Fuel Supply Co., Inc., (1 Horwith Drive, Northampton, PA 18067), application to operate an anthracite coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 and replace BAQ Plan Approval No. 40-305-024 on existing Surface Mining Permit No. 40940205 in Hanover Township, **Luzerne County**. Application received on March 23, 2007.

54-305-002GP12. Wheelabrator Culm Services, Inc., (475 Morea Road, Frackville, PA 17931), application to operate an anthracite coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 and replace BAQ Plan Approval No. 54-305-022 on existing Surface Mining Permit No. 54040203 in Mahanoy Township, **Schuylkill County**. Application received on March 26, 2007.

40041601T and 40-305-002GP12. Stockton Anthracite, LLC, (P. O. Box 546, Hazleton, PA 18201), transfer of an existing anthracite coal preparation plant operation and air quality permit from Stockton Anthracite, LP in Hazle Township, **Luzerne County** affecting 183.0 acres, receiving stream: none. Application received on March 26, 2007.

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

17803094 and NPDES No. PA0127086. Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849), revision of an existing bituminous surface-auger mine for an Insignificant Permit Boundary Correction in Goshen Township, **Clearfield County**, affecting 295.0 acres. Receiving stream: Little Trout Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received on March 9, 2007.

17753050 and NPDES No. PA0044822. River Hill Coal Company, Inc. (P. O. Box 141, Kylertown, PA 16847), revision of an existing bituminous surface mine to use beneficial use coal ash as structural fill and alkaline addition material in Karthaus Township, **Clearfield County**, affecting 687.6 acres. Receiving streams: Saltlick Run—HQ-CWF; UNT to Saltlick Run—HQ-CWF; Mosquito Creek—HQ-CWF; UNT to Mosquito Creek—HQ-CWF; UNT to West Branch Susquehanna River—HQ-CWF; West Branch Susquehanna River—WWF. There are no potable water supply intakes within 10 miles downstream. Application received on March 21, 2007.

17020116 and NPDES No. PA0243400. Hepburnia Coal Company (P. O. Box 1, Grampian, PA 16838), permit renewal for the continued operation and restoration of a bituminous surface-auger mine in Bell Township, **Clearfield County**, affecting 67.0 acres. Receiving streams: Chest Creek and UNT to Chest Creek. There are no potable water supply intakes within 10 miles downstream. Application received on March 27, 2007.

Coal Applications Withdrawn

Pottsville District Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2522, (570) 621-3118.

49773204C7. Gilberton Coal Company, (10 Gilberton Road, Gilberton, PA 17934), correction to an existing anthracite coal refuse reprocessing, surface mine, coal refuse disposal and preparation plant operation to add fly ash disposal in Mt. Carmel Township, **Northumberland County** affecting 958.0 acres, receiving stream: none. Application received on December 22, 2006. Application withdrawn March 29, 2007.

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

¹ The parameter is applicable at all times.

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

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

37950303. Cemex, Inc. (840 Gessner, Suite 1400, Houston, TX 77024). Renewal of NPDES Permit No. PA 02271129, Shenango and Taylor Townships, **Lawrence County**. Receiving streams: UNT to McKee Run (unclassified) and McKee Run, classified for the following use: WWF. The first downstream potable water supply intake from the point of discharge is the Beaver Falls Water Authority. NPDES Renewal application received on March 28, 2007.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Individuals will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are

Noncoal Applications Received

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

available for inspection between 8 a.m. and 4 p.m. on each working day at the regional office noted before the application.

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E09-909. Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106-7676, Bensalem Township, **Bucks County**, ACOE Philadelphia District.

To perform the following activities associated with the proposed northeast Slip Ramps for the Turnpike at Street Road:

1. To place fill within 0.46 acre of wetland (PFO, PEM). The applicant is proposing 0.92 acre of replacement wetlands associated with this activity.
2. To construct and maintain a 48-inch diameter twin cell enclosure associated with the relocation of approximately 400 linear feet of the UNT to the Poquessing Creek (WWF, MF).
3. To modify an existing 42-inch diameter culvert, carrying the Turnpike over a UNT to Poquessing Creek by replacing the existing inlet with a manhole.
4. To modify an existing 18-inch diameter pipe carrying the turnpike over a UNT to the Neshaminy Creek (WWF, MF) associated with stormwater management facilities.
5. To install and maintain a sanitary sewer line crossing the wetlands.

This site is located approximately 1,500 feet northeast of the intersection of Lincoln Highway (SR 0001) and Street Road (SR 0132), (Langhorne, PA USGS Quadrangle; N: 0.7 inch; W: 12.2 inches).

E15-766. Whitford Country Club, 600 Whitford Hills Road, Exton, PA 19341-2150, West Whiteland Township,

Chester County, ACOE Philadelphia District. PA Description E15-766. To perform the following water obstructions and encroachments associated with a proposed Colebrook Run Stream restoration Project Located within the Whitford Country Club, (Downingtown, PA Quadrangle; N: 5.00 inches; W: 5.75 inches) in West Whiteland Township, Chester County.

Relocate and restore approximately 3,500 linear feet of Colebrook Run and adjacent floodplain, utilizing Natural Channel design techniques. Work also includes the modification of channel cross-section, slope, normal pool depth, riffle length, pool length, meander geometry, flood prone area and substrate.

Construct and maintain a bridge to replace the existing structure upstream of the maintenance Facility.

Construct and maintain an intake structure along the relocated channel to replace an existing irrigation intake structure. The work includes associated utility pipe feed line and outlet structure at the existing irrigation pond.

Construct and maintain four golf cart bridges to replace existing structures.

Construct and maintain two outfall structures associated modifications to existing stormwater facilities incorporating Best Management Practices.

E46-1004. Mirabile Associates, LP, P. O. Box 1706, Blue Bell, PA 19422, West Norriton Township, **Montgomery County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities for Mirabile Tract at 573 East Main Street along a tributary of Indian Creek (WWF):

1. To modify and maintain an existing stream enclosure of a UNT of Indian Creek (Trib. 1) by removing 49 linear feet of pipe at the downstream end of the existing structure and to maintain the remaining 54 linear feet of 36-inch CMP, a rock riprap apron and a restored open channel segment. The existing structure is attached to the Ridge Pike culvert, by means of a junction box and consists of 54 linear feet of 36-inch CMP, a manhole and 49 linear feet of 36-inch CMP.

2. To relocate 760 linear feet of a UNT of Indian Creek (Trib. 1) by constructing a channel on a new alignment starting at the terminus of the culvert noted in item 1 above and extending to a point of confluence with a UNT of Indian Creek (Trib. 2) onsite. Approximately 1,177 linear feet of the former abandoned stream, including two stream enclosures and a bridge will be removed and the channel backfilled.

3. To modify 360 linear feet of a UNT from the confluence of the relocated channel noted in item 2 above. This work includes the removal of a bridge.

4. To construct and maintain a stream enclosure consisting of 335 linear feet of twin 44-inch by 72-inch CMPA along the relocated channel noted in item 2 above.

5. To construct and maintain a 15-inch RCP outfall along the relocated stream channel located immediately downstream of the stream enclosure noted in item 4 above.

6. To construct and maintain a road crossing consisting of 30 linear feet of 3.5-foot by 12-foot box culvert across the relocated channel noted in item 2 above.

The project will result in the net restoration of approximately 800 linear feet of stream. The site is located approximately 1,000 feet southeast of the intersection of

Egypt Road and SR 363 (Collegeville, PA USGS Quadrangle; N: 1.5 inches; W: 1.2 inches).

E23-466. Borough of Upland, 224 Castle Avenue, Upland, PA 19015, Upland Borough, **Delaware County**, ACOE Philadelphia District.

To modify the Kerlin Street Bridge along the Chester Creek (WWF-MF) by performing the following water obstructions or encroachments:

1. To construct and maintain 100 linear feet of twin 24-foot arch culverts through the causeway approach fill south of the existing bridge,

2. To grade and stabilize the floodplain upstream and downstream of the existing bridge, and

3. To construct and maintain a rock weir upstream of the existing bridge and a debris deflector at the center pier of the Kerlin Street Bridge.

The project will require the relocation of the following utilities:

1. 20-inch diameter water main,

2. 12-inch diameter sanitary sewer pipe,

3. 21-inch diameter sanitary interceptor line,

4. Gas line (with an undetermined diameter),

5. 30-inch diameter Combined Sewer Overflow pipe, and

6. Overhead utility pole and wires.

This project, Chester Creek Flood Abatement Pilot Project, is part of the Delaware County's Renaissance Program in conjunction with the Borough of Upland. The upstream boundary of the project is the Incinerator Road Bridge (Upland Road) and the downstream boundary is just downstream of the Kerlin Street Bridge. The Kerlin Street Bridge is located 240-feet southeast of the intersection of Upland Avenue and Kerlin Street (Marcus Hook, PA Quadrangle; N: 19.2 inches; W: 0.3 inch).

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

E40-668. Thomas M. and Lorri D. Kutzer, R. R. 1, Box 174, Harveys Lake, PA 18618, in Harveys Lake Borough, **Luzerne County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a pile supported dock and boathouse structure having a total surface area of 2,000 S.F. and extending out 50-feet from the shoreline of Harveys Lake (HQ-CWF). The project is located on the northern side of the Lake at Pole No. 134 (Noxen, PA Quadrangle; N: 0.1 inch; W: 5.4 inches).

E64-266. Jack Downton, 6 Downton Drive, Starrucca, PA 18462, in Starrucca Borough, **Wayne County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a driveway crossing of a tributary to Shadigee Creek (CWF) consisting of a steel I-beam bridge (Starrucca, PA-NY Quadrangle; N: 5.8 inches; W: 8.4 inches).

E64-267. Department of Transportation, Engineering District 4-0, 55 Keystone Industrial Park, Dunmore, PA 18512, in Salem and Sterling Townships, **Wayne County**, United States Army Corps of Engineers, Philadelphia District.

To remove the existing structure and to construct and maintain a single span prestressed I-beam structure with a clear span of 113-feet, 6-inches and an underclearance

of 16-feet over west branch Wallenpaupack Creek (HQ-CWF). The project is located along SR 3005, Section 0670, Segment 0050, Offset 0000 (Forks Bridge Road), Salem and Sterling Townships, Wayne County (Newfoundland, PA Quadrangle; N: 19.9 inches; W: 13.9 inches).

E45-501. Paul D'Onofrio, P. O. Box 1253, Blakeslee, PA 18610, in Tobyhanna Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To place fill in approximately 0.13 acre of PFO wetlands for the purpose of constructing a single-family dwelling on Lot 173 of Camelot Forest Subdivision. The project is located along Sir Gawain Drive, approximately 1,800-feet southeast of SR 0940 (Blakeslee, PA Quadrangle; N: 17.7 inches; W: 8.9 inches).

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

E50-241: James and Mary Morrow, 64 Miller Lane, Landisburg, PA 17040, Spring Township, **Perry County**, ACOE Baltimore District

To construct and maintain twin 30-foot long, 87" × 63" CMP culverts in Green Valley Run (CWF) and to construct and maintain two PEM exceptional value wetland road crossings totaling approximately 0.05 acre for the purpose of constructing a private driveway off of Valley Road (Landisburg, PA Quadrangle; N: 8.3 inches; W: 4.5 inches; Latitude: 40° 17' 45"; Longitude: 77° 16' 56") in Spring Township, Perry County.

E36-823. Rapho Township, 971 North Colebrook Road, Manheim, PA 17545, Rapho and West Hempfield Townships, **Lancaster County**, ACOE Baltimore District.

To (1) construct and maintain a 15-inch RCP stormwater outfall to Chickies Creek; (2) remove an existing single-lane two span steel stringer bridge having a total span of 67.5-feet, a width of 15.8-feet and minimum underclearance of 12.85-feet; and (3) construct and maintain a two-lane two span spread box beam bridge having a normal span of 73.6-feet, a width of 31.4-feet and a minimum underclearance of 14.89-feet carrying Newcomer Road (T-677) over Chickies Creek (WWF) at a point approximately 1,500-feet west of its intersection with Eby Chiques Road (T-364) (Columbia East, PA Quadrangle; N: 18.1 inches; W: 11.3 inches, Latitude 40° 05' 57"; Longitude: 76° 27' 23") in Rapho and West Hempfield Townships, Lancaster County. The applicant is proposing to use temporary cofferdams and a causeway during the construction of this bridge.

E07-414: Department of Transportation, Engineering District 9-0, 1620 North Juniata Street, Holidaysburg, PA 16648, Frankstown Township, **Blair County**, ACOE Baltimore District.

To construct and maintain 4,314 lineal feet of bank stabilization from SR 0022 stations 300+05 to 343+19 using R-7 rip-rap along a UNT to Canoe Creek (HQ-CWF) in Frankstown Township, Blair County (Frankstown, PA Quadrangle; N: 17.10 inches; W: 6.18 inches; Latitude 40° 28' 09"; Longitude 78° 17' 40") for the purpose of stabilizing the westbound shoulder of SR 22 and replacing guide rail as part of a safety improvements project.

E36-813: Department of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA, East Cocalico and West Cocalico Townships, **Lancaster County**, ACOE Baltimore District.

To reconstruct and widen SR 0897 Section 012 in East and West Cocalico Townships, Lancaster County for the purpose of improving traffic safety involving the following:

1. Remove an existing 39.0-foot long, 54.0-inch by 36.0-inch corrugated metal arch culvert and to construct and maintain 40.0-foot long, 38.0-inch by 60.0-inch elliptical concrete culvert pipe with D-W end section depressed six-inches within the channel of Stony Run (WWF) at Station 833+08 (Sinking Springs, PA Quadrangle; N: 20.60 inches; W: 11.40 inches, Latitude: 40° 14' 15"; Longitude: 76° 04' 51"). Net permanent channel impact is 40.0 lineal feet.

2. Remove an existing 36.0-foot long, 15.0-inch corrugated metal culvert and to construct and maintain 40.0-foot long, 18.0-inch reinforced concrete culvert pipe within the channel of a UNT to Little Cocalico Creek (TSF) at Station 860+15 (Sinking Springs, PA Quadrangle; N: 21.80 inches; W: 11.80 inches, Latitude: 40° 14' 42"; Longitude: 76° 05' 04"). Net permanent channel impact is 40.0 lineal feet and the net PEM wetland impact is 0.03 acre.

3. Maintain fill within 0.03 acre of PEM wetland in order to widen SR 0897 between Stations 860+30 to 862+40 (Sinking Springs, PA Quadrangle; N: 21.80 inches; W: 11.80 inches, Latitude: 40° 14' 42"; Longitude: 76° 05' 04").

4. Relocate and maintain 26.0-feet of a UNT to Little Cocalico Creek (TSF) between Stations 876+15 and 877+40 (Sinking Springs, PA Quadrangle; N: 22.60 inches; W: 12.00 inches, Latitude: 40° 14' 55"; Longitude: 76° 05' 08"). The proposed relocation will permanently impact 125-feet of stream channel.

5. To construct and maintain a 16.0-foot long, 19.0-inch by 30.0-inch elliptical concrete culvert pipe within a UNT to Little Cocalico Creek (TSF) at Station 876+15 (Sinking Springs, PA Quadrangle; N: 22.70 inches; W: 12.10 inches; Latitude: 40° 14' 58"; Longitude: 76° 05' 07"). Net permanent channel impact is 16.0 lineal feet.

6. Relocate and maintain 247.0-feet of a UNT to Little Cocalico Creek (TSF) between Stations 875+10 and 877+57 (Sinking Springs, PA Quadrangle; N: 22.60 inches; W: 12.00 inches, Latitude: 40° 14' 55"; Longitude: 76° 05' 08"). The proposed relocation will permanently impact 247-feet of stream channel.

7. Remove an existing 18.0-foot long, 18.0-inch reinforced concrete culvert and to construct and maintain 24.0-foot long, 19.0-inch by 30.0-inch elliptical concrete culvert pipe within a UNT to Little Cocalico Creek (TSF) at Station 877+25 (Sinking Springs, PA Quadrangle; N: 22.70 inches; W: 12.10 inches, Latitude: 40° 14' 58"; Longitude: 76° 05' 07"). Net permanent channel impact is 24.0 lineal feet.

8. Remove an existing 40.0-foot long, 24.0-inch corrugated metal culvert and to construct and maintain 40.0-foot long, 19.0-inch by 30.0-inch elliptical concrete culvert pipe within a UNT to Little Cocalico Creek (TSF) at Station 877+39 (Sinking Springs, PA Quadrangle; N: 22.70 inches; W: 12.10 inches, Latitude: 40° 14' 58"; Longitude: 76° 05' 07"). Net permanent channel impact is 40.0 lineal feet.

9. Relocate and maintain 290.0-feet of a UNT to Little Cocalico Creek (TSF) between Stations 877+60 and 880+50 (Sinking Springs, PA Quadrangle; N: 22.70 inches; W: 12.10 inches, Latitude: 40° 14' 58"; Longitude:

76° 05' 08"). The proposed relocation will permanently impact 290-feet of stream channel.

10. Remove an existing 52.0-foot long, 36.0-inch corrugated metal culvert and to construct and maintain a 56.0-foot long, 29.0-inch by 45.0-inch elliptical concrete culvert pipe within the channel of a UNT to Little Cocalico Creek (TSF) at Station 880+34 (Terre Hill, PA Quadrangle; N: 0.00 inch; W: 11.90 inches, Latitude: 40° 15' 00"; Longitude: 76° 05' 07"). Net permanent channel impact is 56.0 lineal feet.

11. Relocate and maintain 385.0-feet of a UNT to Little Cocalico Creek (TSF) between Stations 880+90 and 884+85 (Terre Hill, PA Quadrangle; N: 0.00 inch; W: 11.90 inches, Latitude: 40° 15' 00"; Longitude: 76° 05' 08"). The proposed relocation will permanently impact 385-feet of stream channel.

12. To construct and maintain a 40.0-foot long, 29.0-inch by 45.0-inch elliptical concrete culvert pipe within a UNT to Little Cocalico Creek (TSF) at Station 884+36 (Terre Hill, PA Quadrangle; N: 0.30 inch; W: 12.0 inches, Latitude: 40° 15' 05"; Longitude: 76° 05' 08"). Net permanent channel impact is 40.0 lineal feet.

13. Remove an existing 46.0-foot long, 22.0-inch by 33.0-inch corrugated metal arch culvert and to construct and maintain 44.0-foot long, 29.0-inch by 45.0-inch elliptical concrete culvert pipe within a UNT to Little Cocalico Creek (TSF) at Station 884+84 (Terre Hill, PA Quadrangle; N: 0.30 inch; W: 12.00 inches, Latitude: 40° 15' 05"; Longitude: 76° 05' 08"). Net permanent channel impact is 46.0 lineal feet.

14. Relocate and maintain 270.0-feet of a UNT to Little Cocalico Creek (TSF) between Stations 885+15 and 887+95 (Terre Hill, PA Quadrangle; N: 0.30 inch; W: 12.00 inches, Latitude: 40° 15' 06"; Longitude: 76° 05' 09"). The proposed relocation will permanently impact 270-feet of stream channel.

15. Relocate and maintain 540.0-feet of a UNT to Little Cocalico Creek (TSF) between Stations 887+95 and 893+35 (Terre Hill, PA Quadrangle; N: 0.40 inch; W: 12.10 inches, Latitude: 40° 15' 10"; Longitude: 76° 05' 09"). The proposed relocation will permanently impact 540-feet of stream channel.

16. Remove an existing 38.0-foot long, 24.0-inch diameter corrugated metal culvert and to construct and maintain 40.0-foot long, 19.0-inch by 30.0-inch elliptical concrete culvert pipe within a PEM wetland at Station 887+69 (Terre Hill, PA Quadrangle; N: 0.40 inch; W: 12.10 inches, Latitude: 40° 15' 08"; Longitude: 76° 05' 09"). Net permanent PEM wetland impact is 0.002 acre.

17. Remove an existing 19.0-foot long, steel I-beam bridge with an average underclearance of 4.8-feet and a span of 8.0-feet and to construct and maintain a one-foot depressed 36.0-foot long, concrete box culvert with an underclearance of 5.0-feet and a span of 8.0-feet within a UNT to Little Cocalico Creek (TSF) at Station 893+35 (Terre Hill, PA Quadrangle; N: 0.60 inch; W: 12.10 inches, Latitude: 40° 15' 13"; Longitude: 76° 05' 08"). Net permanent channel impact is 36.0 lineal feet.

18. Maintain fill within 0.034 acre of PEM wetland at Station 894+15 (Terre Hill, PA Quadrangle N: 0.70 inch; W: 12.10 inches, Latitude: 40° 15' 14"; Longitude: 76° 05' 09").

19. Remove an existing 40.0-foot long, 15.0-inch corrugated metal culvert and to construct and maintain 40.0-foot long, 14.0-inch by 23.0-inch elliptical concrete culvert pipe within a PEM wetland at Station 904+26 (Terre Hill,

PA Quadrangle; N: 1.10 inches; W: 12.40 inches, Latitude: 40° 15' 21"; Longitude: 76° 05' 19"). Net permanent PEM wetland impact is 0.001 acre.

20. Maintain fill within 0.001 acre of PEM wetland at Station 904+85 (Terre Hill, PA Quadrangle N: 1.10 inches; W: 12.40 inches, Latitude: 40° 15' 21"; Longitude: 76° 05' 19").

21. Remove an existing 22.1-foot long, concrete slab bridge with an average underclearance of 4.2-feet and a span of 14.0-feet and to construct and maintain a one-foot depressed 34.9-foot long, concrete box culvert with an underclearance of 5.0-feet and a span of 18.0-feet within a UNT to Little Cocalico Creek (TSF) at Station 905+50 (Terre Hill, PA Quadrangle; N: 1.10 inches; W: 12.40 inches, Latitude: 40° 15' 21"; Longitude: 76° 05' 19"). Net permanent channel impact is 34.9 lineal feet.

22. Relocate and maintain 375.0-feet of a UNT to Little Cocalico Creek (TSF) between Stations 934+55 and 938+50 (Terre Hill, PA Quadrangle N: 1.90 inches; W: 13.70 inches, Latitude: 40° 15' 38"; Longitude: 76° 05' 53"). The proposed relocation will permanently impact 375-feet of stream channel.

23. Remove an existing 35.0-foot long, 18.0-inch corrugated metal culvert and to construct and maintain 36.0-foot long, 14.0-inch by 23.0-inch elliptical concrete culvert pipe within a PEM wetland at Station 938+28 (Terre Hill, PA Quadrangle; N: 1.90 inches; W: 13.80 inches, Latitude: 40° 15' 39"; Longitude: 76° 05' 53"). Net permanent PEM wetland impact is 0.002 acre.

The project will result in 2,525 linear feet of permanent channel impacts, 0.05 acre of temporary PEM wetland impacts and 0.07 acre of permanent PEM wetland impacts. The applicant is required to replace 0.07 acre of PEM wetlands and has proposed to create 0.31 acre of PEM wetlands along the UNT to Little Cocalico Creek (TSF) between Stations 903+00 and 906+50. The applicant has proposed 625 linear feet of stream channel stabilization, riparian plantings and streambank fencing along the UNT to Little Cocalico Creek (TSF) at Station 905+50 as stream impact compensation.

E67-815: Izaak Walton League of America, York County Chapter 67, 7131 Ironstone Hill Road, Dallastown, PA 17313, Springfield and Shrewsbury Townships, **York County**, ACOE Baltimore District.

To construct and maintain a stream restoration project on 10,636 feet of the South Branch Codorus Creek (WWF) (Glen Rock, PA Quadrangle; N: 9.6 inches, W: 16 inches; Latitude: 39° 48' 1.9", Longitude: 76° 44' 21.4" to N: 12.6 inches, W: 1.3 inches; Latitude: 39° 49' 10.3; Longitude: 76° 45' 38.1"), 1,587 feet of Krebs Run (WWF) (Glen Rock, PA Quadrangle N: 10.2 inches, W: 0.4 inch; Latitude: 39° 48' 31.4"; Longitude: 76° 45' 12.4" to N: 11.2 inches, W: 0.4 inch; Latitude: 39° 48' 40.6; Longitude: 76° 45' 12.3"), 712 feet of Centerville Creek (WWF) (Glen Rock, PA Quadrangle N: 9.4 inches, W: 16.3 inches; Latitude: 39° 48' 1.92", Longitude: 76° 44' 21.4" to N: 9.6 inches, W: 16.3 inches; Latitude: 39° 49' 10.3"; Longitude: 76° 45' 38.1"), 206 feet of UNT number 1 to the South Branch Codorus Creek (WWF) (Glen Rock, PA Quadrangle; N: 11.9 inches, W: 0.3 inch; Latitude: 39° 48' 55.2"; Longitude: 76° 45' 9.8" to N: 12.0 inches, W: 0.6 inch; Latitude: 39° 48' 55.5"; Longitude: 76° 45' 14.85) and 438 feet of UNT number 2 to the South Branch Codorus Creek (WWF) (Glen Rock, PA Quadrangle; N: 12.4 inches, W: 1.4 inches; Latitude: 39° 49' 4.64"; Longitude: 76° 45' 35.8" to N: 12.6 inches, W: 1.3 inches; Latitude: 39° 49' 6.7", Longitude: 76° 45' 34.2") including rock and log

structures and bank grading for the purpose of correcting the stream pattern, improving streambank stabilization, sediment transport and aquatic habitat and establishing a riparian buffer. The project is located in Springfield and Shrewsbury Townships, York County. No wetland impacts are proposed.

E22-509: Hershey Trust Company, 1201 Homestead Lane, Hershey, PA 17033, South Hanover Township, **Dauphin County**, Acoe Baltimore District.

To construct and maintain an 8-inch PVC sanitary sewer pipe wetland crossing temporarily impacting .013 acre PEM wetland; four, 4-inch and 8-inch PVC sanitary sewer pipe wetland crossings temporarily impacting .007 acre, .021 acre, .006 acre and .43 acre PEM wetlands, respectively; a 40-foot long 4-inch and 8-inch PVC sanitary sewer pipes crossing of a UNT to the Swatara Creek (WWF); a 4-inch and 8-inch sanitary sewer pipe crossing the Swatara Creek (WWF); an 80-foot long by 24-inch HDPE sewer pipe wetland crossing permanently impacting .036 acre PEM wetland; a 35-foot long by 34-foot, 8.25-inch wide concrete arch bridge with a 9-foot, 2-inch clearance over the water crossing a UNT to the Swatara Creek (WWF) permanently impacting .021 acre of PEM wetland. Other utilities are located within the fill of the roadway crossings. The project is located at the northeast corner of the intersection of SR 0039 and East Canal Street (SR 2010)(Hershey, PA Quadrangle; N: 9 inches, W: 6.9 inches; Latitude: 40° 18' 00"; Longitude: 76° 40' 40") in South Hanover Township, Dauphin County. The .057-acre of permanent PEM wetland impact will be replaced onsite with a .085-acre of PEM wetland mitigation area.

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

E17-430. Emigh Run Lakeside Watershed Association, P. O. Box 204, Morrisdale, PA 16858. Emigh Run No. 8 Acid Mine Drainage Treatment Project in Morris Township, **Clearfield County**, ACOE Baltimore District (Wallaceton, PA Quadrangle; Latitude: 40° 56' 58"; Longitude 78° 21' 40").

The applicant proposes to construct, operate and maintain a passive treatment acid mine drainage abatement system resulting in 0.03 acre of temporary PFO/PEM wetland impacts associated with Emigh Run (CWF). The proposed wetland impacts will result from the placement of treatment-train piping through the wetland. Onsite wetlands are classified as "other wetlands" by the Department. No wetland replacement is necessary due to the temporary nature of the wetland impacts. The project is sited approximately one mile southeast of Wallaceton, in the headwaters of Emigh Run.

E60-182. Department of Conservation And Natural Resources, Bureau of Facility Design and Construction, P. O. Box 8451, Harrisburg, PA 17105-8451. Shared Use Trail Bridge, in Hartley Township, **Union County**, ACOE Baltimore District (Hartelton, PA Quadrangle; N: 21.1 inches; W: 8.8 inches).

To construct, operate and maintain a 50-foot long fiberglass and wood bank-to-bank bridge with an underclearance of 3 feet 10 inches over Rapid Run for snowmobile, equestrian and pedestrian uses, located 3 miles east of the Centre County/Union County line on SR 192 near the south entrance to R.B. Winter State Park. The project proposes to impact 25 linear feet of Rapid Run, which is classified as a HQ-CWF.

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

E02-1555. Department of Transportation, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017. To construct a culvert in White Oak Borough, **Allegheny County**, Pittsburgh ACOE District (McKeesport, PA Quadrangle; N: 17.5 inches, W: 5.9 inches and Latitude: 40° 20' 48"; Longitude: 79° 47' 32"). The applicant proposes to construct and maintain a 84 ft. long, 18 ft. wide by 9 ft. deep concrete box culvert, depressed 1-ft. to replace the existing SR 2033, 23.25 ft. wide, 16 ft. long, single span bridge with an under clearance of 8 ft. over the Jack's Run (HQ-TSF) with a drainage area of 1.4 square miles. The replacement box culvert will be constructed upstream and adjacent to the existing bridge. The project is located approximately 3 miles east of the center of McKeesport Borough and adjoins White Oak Park in White Oak Borough.

E63-597. Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106. To construct Section 51J of the Mon Fayette Expressway in Centerville and California Boroughs, **Washington County**, Pittsburgh ACOE District. The applicant proposes to construct the following:

1. A 303-foot long stream channel relocation of a UNT to Two Mile Run (WWF) located at Ramp 88-N, Station 88+00 (California, PA Quadrangle; N: 4.2 inches; W: 8.3 inches and Latitude: 40° 01' 24"; Longitude: 79° 56' 03"). The portion of stream to be relocated is an existing concrete lined channel.

2. A 215-foot long, 78-inch RC pipe stream enclosure, with a 14-foot vertical drop manhole in UNT to Two Mile Run (WWF) located at Ramp 88-N Station 84+84 (California, PA Quadrangle N: 4.1 inches; W: 8.45 inches and Latitude: 40° 01' 23"; Longitude: 79° 56' 06"). This structure includes a temporary stream crossing of said stream.

3. A 4-span bridge on SR 0043 northbound across Two Mile Run (WWF) and having spans of 185.0 feet, 225.0 feet, 225.0 feet and 185.0 feet, SR 0043, Station 856+50 (California, PA Quadrangle N: 3.1 inches; W: 9.55 inches and Latitude: 40° 01' 02"; Longitude: 79° 56' 34"). This structure includes a temporary stream crossing of said stream.

4. A 4-span bridge on SR 0043 across Two Mile Run (WWF) and having spans of 187.0 feet, 219.0 feet, 219.0 feet and 187.0 feet, SR 0043, Station 856+50 (California, PA Quadrangle N: 3.1 inches; W: 9.55 inches and Latitude: 40° 01' 02"; Longitude: 79° 56' 34"). This structure includes a temporary stream crossing of said stream.

5. A 146-foot long, 14 feet by 7 feet box culvert stream enclosure in the relocated stream channel of Two Mile Run (WWF) located at SR 2089, Station 180+87 (California, PA Quadrangle; N: 3.0 inches; W: 9.8 inches; Latitude: 40° 00' 59"; Longitude: 79° 56' 43"). This structure includes 285 feet of stream relocation and a stream crossing of said stream.

6. An 82-foot long, 14 foot by 9 foot box stream enclosure in Two Mile Run (WWF) located at Ramp 88-S, Station 55+00 (California, PA Quadrangle; N: 3.0 inch; W: 9.7 inches; Latitude: 40° 00' 59"; Longitude: 79° 56' 39"). This structure includes 620 feet of stream relocation and a stream crossing of said stream.

7. A 110-foot long RC pipe stream enclosure in UNT to Two Mile Run (WWF) located at SR 2089, Station 125+50

(California, PA Quadrangle; N: 3.25 inches; W: 9.0 inches; Latitude: 40° 01' 06"; Longitude: 79° 56' 23").

8. A 70-foot long, 20 foot by 8 foot arch stream enclosure in Two Mile Run (WWF) located at Ramp N-88, Station 62+23 (California, PA Quadrangle; N: 3.25 inches; W: 9.00 inches; Latitude: 40° 01' 05"; Longitude: 79° 56' 22"). This structure includes a stream crossing of said stream.

9. A 26-foot long, 48 inch RC pipe extension to an existing stream enclosure in a UNT to Two Mile Run (WWF) located at SR 0043, Station 806+00. (California, PA Quadrangle; N: 0.9 inch; W: 8.5 inches; Latitude: 40° 00' 18"; Longitude: 79° 56' 07).

10. A 1,569-foot long, 48 inch RC pipe stream enclosure in UNT to Monongahela River (WWF) located at SR 0043, Station 811+25 (California, PA Quadrangle; N: 1.0 inch; W: 8.7 inches; Latitude: 40° 00' 27"; Longitude: 79° 56' 21"). This structure includes a temporary stream crossing of said stream.

11. A 5-foot long extension upstream of an existing 30 inch CM pipe stream enclosure in UNT to Two Mile Run (WWF) located at Nobles Road, Station 57+48 (California, PA Quadrangle; N: 3.0 inch; W: 10.0 inches; Latitude: 40° 01' 01"; Longitude: 79° 56' 47").

12. A 12-foot long downstream extension and a 28 foot long upstream extension of an existing 48 inch RC pipe stream enclosure in UNT to Monongahela River (WWF) located at Ramp A, Station 115+00 (California, PA Quadrangle; N: 6.0 inches; W: 6.4 inches; Latitude: 40° 01' 56"; Longitude: 79° 55' 08").

13. A 480-foot long stream bank stabilization along Two Mile Run (WWF) located at SR 2089, Station 116+00 (California, PA Quadrangle; N: 3.1 inches, W: 9.55 inches; Latitude: 40° 01' 02"; Longitude: 79° 56' 34").

14. A 96-foot long placement of fill in UNT to Monongahela River located at SR 0043, Station 811+25 (California, PA Quadrangle; N: 1.1 inches; W: 8.7 inches; Latitude: 40° 00' 21"; Longitude: 79° 56' 10").

15. The project will impact 0.471 acre of wetlands.

The drainage areas for items 1, 7, 11, 12 and 14 are less than 100 acres.

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

E42-329, Open Flow Gas Supply Corporation, 90 Beaver Drive, Suite 110B, P. O. Drawer J, DuBois, PA 15801-0297. Access Road Across North Branch Colegrove Creek, in Norwich Township, **McKean County**, ACOE Pittsburgh District (Norwich, PA Quadrangle; N: 41° 43' 25.4"; W: 78° 20' 9.4").

To operate and maintain the 16-foot-wide steel beam bridge having a span of approximately 12 feet and an underclearance of 1.5 feet across North Branch Colegrove Brook on a roadway serving for access to a gas well referred to as Heinemann Track OFG Well No. 20 approximately 2.6 miles east of SR 46 at the Village of Colegrove. Installation of the bridge as a temporary crossing was previously authorized under DEP Permit No. GP084205603 and Department of the Army Permit No. 200502400.

ENVIRONMENTAL ASSESSMENT

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

EA1809-001. Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Division of Mine Hazards, P. O. Box 8476, Harrisburg, PA 17105. Abandoned Mine Land Reclamation Project, in East Keating Township, **Clinton County**, Baltimore ACOE District.

The applicant proposes to install a water intake and outfall on Rock Run. Diverted stream flow will be directed through limestone facilities and back into Rock Run in order to increase stream alkalinity to neutralize abandoned mine drainage entering further downstream (Keating Quadrangle; N: 11.6 inches, W: 10.1 inches).

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Waste Management, Division of Storage Tanks, P. O. Box 8763, Harrisburg, PA 17105-8763, within 30 days from the date of this publication. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it based.

The following applications have been received for Storage Tank Site-Specific Installation Permits under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C.

<i>SSIP Application No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
07002	Commonwealth Renewable Energy, Inc. 777 Technology Drive Mount Pleasant, PA 15666 Richard Walker	Westmoreland	Hempfield Township	Twelve ASTs storing hazardous substances and petroleum products	8,354,310 gallons total

ACTIONS

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

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0064092	Beach Lake Municipal Authority P. O. Box 151 Beach Lake, PA 18405	Berlin Township Wayne County	Beach Lake Creek 1A	Y
PA0060887	Mugg's Country Kitchen & Sandy Beach Motel Box 150 Hawley, PA 18428	Palmyra Township Pike County	UNT to Decker Mill Pond 1B	Y
PA0034517 (Minor Industrial Waste)	East Stroudsburg Borough P. O. Box 303 24 Analomink Street East Stroudsburg, PA 18301	Smithfield Township Monroe County	Sambo Creek 1E	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>
PA0209074	Hidden Valley Mobile Home Park 97 Sandra Lee Drive Linden, PA 17744	Lycoming County Woodward Township	UNT to Quenshukeny Run SWP 10A	Y
PAS604803	Patrick R. Burns 278 Lower Coleville Road Bellefonte, PA 16823	Centre County Benner Township	Storm Drain to Buffalo Run 9C	Y
PA0228478	Milton Regional Sewer Authority (Potts Grove WWTP) 4842 SR 642 Milton, PA 17847	Northumberland County East Chillisquaque Township	Chillisquaque Creek 10D	Y
PA0228524	Duncan Township P. O. Box 908 Wellsboro, PA 16901	Tioga Duncan Township	UNT to Wilson Creek 9A	Y
PA0228311	Brady Township 1986 Elimsport Road Montgomery, PA 17752	Lycoming Brady Township	Black Hole Creek 10C	Y
PA0110761 IW	Shamokin Dam Borough 210 West Eight Avenue P. O. Box 273 Shamokin Dam, PA 17876-0273	Snyder County Shamokin Dam Borough	UNT of Susquehanna River 6A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0216453 Industrial Waste	McConway & Torley Corporation 109 48th Street Pittsburgh, PA 15201-2755	Allegheny County City of Pittsburgh	Allegheny River	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>
PA0112623	J. J. Bucher Producing Corporation 2568 Bells Run Road Shinglehouse, PA 16748-3030	Shinglehouse Borough Potter County	Oswayo Creek 16-C	Y
PA0029467	North Warren Municipal Authority 4 Hospital Drive North Warren, PA 16365	Conewango Township Warren County	Conewango Creek 16-B	Y
PA0239984	Laurie Mandel 268 Shades Beach Road Erie, PA 16511	Erie County Harborcreek Township	UNT to Lake Erie 15	Y
PA0103802	Midwest Campers—Camp Stone 2463 South Green Road Beechwood, OH 44122	Sugar Grove Township Warren County	UNT to Patchen Run 16-B	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. PA0054089, Industrial Waste, **Exelon Generation Company, LLC**, 200 Exelon Way Kennett Square, PA 19348. This proposed facility is located in Limerick Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from a facility known as Pottstown-Limerick Airport to a UNT of Hartenstein Creek in Watershed 3D.

NPDES Permit No. PA0013081, Industrial Waste, **Kimberly-Clark of PA, LLC** Front Street and Avenue of the States, Chester PA 19013. This proposed facility is located in City of Chester, **Delaware County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from several outfalls to the Delaware River Estuary Zone 4 and Chester Creek in Watershed 3gG.

NPDES Permit No. PA0027103, Sewage, **DELCORA**, 100 East Fifth Street, P. O. Box 999, Chester, PA 19016-0999. This proposed facility is located in City of Chester, **Delaware County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from a facility known as DELCORA STP in to the Delaware River Zone 4 in Watershed 3G.

NPDES Permit No. PA0055697, Amendment No. 1, Sewage, TAD Facilities Limited, 628 Telegraph Road, Coatesville, PA 19320. This proposed facility is located in West Clan Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the amendment to discharge 0.049 mgd of treated sewage into the West Branch Brandywine Creek in Watershed 3H.

NPDES Permit No. PA0050482, Sewage, Freedoms Foundation at Valley Forge, 1601 Valley Forge Road, Valley Forge, PA 19482-0706. This proposed facility is located in Schuylkill Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage from the facility into Jug Hollow in Watershed 3F.

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

NPDES Permit No. PA0260282, Sewage, Glenn Sandritter, 161 Heckman Road, Temple, PA 19560-9708. This proposed facility is located in Earl Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT Ironstone Creek in Watershed 3-D.

NPDES Permit No. PA0008281, Amendment No. 2, Industrial Waste and Sewage, Patrick Renshaw, PPL Brunner Island, LLC, Two North Ninth Street, GENPL-6, Allentown, PA 18101-1179. This proposed facility is located in East Manchester Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to the Susquehanna River, Hartman Run and Conewago Creek in Watersheds 7-F and 7-H.

NPDES Permit No. PA028304, CAFO, Dale Frank, Dale Frank Farm, 3167 Bossler Road, Elizabethtown, PA 17022. This proposed facility is located in West Donegal Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 763-AEU swine, broiler and steer operation in Watershed 7-G.

NPDES Permit No. PA0248762, CAFO, Christopher Wine, Furnace Hill Farm, 223 Old Mill Road, Newmanstown, PA 17073. This proposed facility is located in Heidelberg Township, **Lebanon County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 382-AEU swine operation located in Heidelberg Township, Lebanon County.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327 3664.

PA0008451, Industrial Waste SIC, 4911, Sunbury Generation LP, Old Trail Road, P. O. Box 517, Shamokin Dam, PA 17876-9999. This existing facility is located in Monroe Township, **Snyder County**.

Description of Proposed Activity: This proposed action is for renewal and transfer of an NPDES permit for an existing discharge of once through cooling water, treated industrial wastewater and stormwater.

The receiving streams, Susquehanna River, a UNT to Susquehanna River and Rolling Green Run, is in the State Water Plan Watershed 6A and classified for WWF. The nearest downstream public water supply intake for United Water Pennsylvania is located on Susquehanna River is 60 miles below the point of discharge.

The proposed effluent limits for Outfall 030 based on a design flow of 252 mgd once through cooling water.

Parameter	Heat Million British Thermal Unit (mBtu)/day		Temperature Degree Fahrenheit		Concentration mg/l
	Average Monthly	Maximum Daily	Temperature Discharge	Temperature Intake	Instantaneous Maximum
Heat 1-1 to 1-31		209,600	Report	Report	
Heat 2-1 to 2-29		229,200	Report	Report	
Heat 3-1 to 3-31		550,100	Report	Report	
Heat 4-1 to 4-30		609,000	Report	Report	
Heat 5-1 to 5-15		400,800	Report	Report	
Heat 5-16 to 5-30		668,000	Report	Report	
Heat 6-1 to 6-30		510,800	Report	Report	
Heat 7-1 to 7-31		267,200	Report	Report	
Heat 8-1 to 8-31		238,400	Report	Report	
Heat 9-1 to 9-30		187,300	Report	Report	
Heat 10-1 to 10-31		188,600	Report	Report	
Heat 11-1 to 11-15		209,600	Report	Report	
Heat 11-16 to 11-30		167,700	Report	Report	
Heat 12-1 to 12-31		157,200	Report	Report	
Total Residual Halogen					0.20

The proposed effluent limits for Outfall 031 based on a design flow of 4.6 mgd Treated Industrial Wastewater.

Parameter	Mass Units lbs/day			Concentration (mg/l)		
	Average Monthly	Maximum Daily	Minimum	Average Monthly	Daily Maximum	Instantaneous Maximum
pH			6.0			9.0
TSS				30	100	130
Oil and Grease				15	20	30
Total PCB's					Nondetect	
Total Aluminum				0.49	0.76	
Dissolved Iron				0.31	0.48	

The proposed effluent limits for Outfalls 032, 034, 035 and 038 based on stormwater discharge.

pH	Report
TSS	Report
Oil and Grease	Report
Total Iron	Report
Total Zinc	Report
Total Nickel	Report
Total Copper	Report

The proposed effluent limits for Outfall 130 based on a design flow of 1.52 mgd Treated Industrial Wastewater.

pH	6.0			9.0
TSS		30	100	130
Oil and Grease		15	20	30
Total PCB's			Nondetect	

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

NPDES Permit No. PA0021792, Sewage, Amendment No. 1, **Edinboro Borough**, 124 Meadville Street, Edinboro, PA 16412. This proposed facility is located in Edinboro Borough, **Erie County**.

Description of Proposed Action/Activity: Removal of the total copper effluent limitation from NPDES permit.

NPDES Permit No. PA0033901, Sewage, **Willow Bend Mobile Home Park**, 2935 Valley Road, Mercer, PA 16137. This proposed facility is located in Lackawannock Township, **Mercer County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to a UNT to Little Neshannock Creek in Watershed 20-A.

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

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

WQM Permit No. 4606410, Sewerage, **Whitpain Township**, P. O. Box 800, 960 Wentz Road, Blue Bell, PA 19422. This proposed facility is located in Whitpain Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a sanitary pump station to serve 30 proposed townhouses.

WQM Permit No. 4606406, Sewerage, **Berks-Montgomery Municipal Authority**, 136 Municipal Drive, P. O. Box 370, Gilbertsville, PA 19525-0370. This proposed facility is located in **Berks and Montgomery Counties**.

Description of Action/Activity: Construction and operation of a sanitary sewer interceptor system.

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

WQM Permit No. 0606410, Sewage, **Glenn Sandritter**, 161 Heckman Road, Temple, PA 19560-9708. This proposed facility is located in Earl Township, **Berks County**.

Description of Proposed Action/Activity: Permit approval for the construction of sewerage facilities consisting of 500 gpd Bio-microbics Microfast aerobic treatment system, free access gravity sand filter system in precast concrete tank with dosing pump and sump, chlorinator and chlorine contact tank with four-inch diameter outfall to serve their single-family residence.

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

WQM Permit No. WQG01140702, Sewerage, SIC 4952, **Gregory and Marla Dyke**, 128 Round Hill Road, Howard, PA 16841. This proposed facility will be located in Howard Township, **Centre County**.

Description of Proposed Action/Activity: Permit issued approving the design, construction and operation of a small flow treatment facility to serve a residence. Discharge will be to a UNT to Bald Eagle Creek a CWF.

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

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

Description of Proposed Action/Activity: Installation of sewage collection for the Paris area of Hanover Township, construction of three pumping stations and associated force main to pump sewage to Weirton, WV treatment plant.

WQM Permit No. WQG016139, Sewerage, **Gary Schmidt**, 26 Bridge Street, Pittsburgh, PA 15223. This proposed facility is located in Indiana 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. WQG016144, Sewerage, **Carolyn Bajack**, 1554 Days Run Road, Tarentum, PA 15084. This proposed facility is located in Frazer Township, **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. 6201406, Sewerage, Amendment No. 1, **Midwest Campers—Camp Stone**, 2463 South Green Road, Beechwood, OH 44122. This proposed facility is located in Sugar Grove Township, **Warren County**.

Description of Proposed Action/Activity: This project is to modify an existing treatment facility to include equalization tanks with pumps, additional chlorine contact tanks, a weir box, a tank with a Zabel filter, a float within the existing recirculation tank and an electrical backup generator.

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>
PAI023506002	Sperry Homes, LLC 1025 Nichole Drive Newtown Square, PA 19073	Lackawanna	Covington Township	Langan Creek HQ-CWF
PAI025205007	Stewart Schneider 179 Fire Tower Road Milford, PA 18337	Pike	Milford Township	Vantine Brook HQ-CWF
PAI023905036	Jamm Realty 520 Route 22 P. O. Box 6872 Bridgewater, NJ 08807	Lehigh	City of Allentown	Trout Creek HQ-CWF

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>
PAI032106010	Department of Public Works at Carlisle Barracks Thomas J. Kelly, Director United States Army HQ Carlisle Barracks 303 Engineer Avenue Carlisle, PA 17013	Cumberland	North Middleton Township	Letort Spring Run HQ-CWF

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

Butler Conservation District: 122 McCune Drive, Butler, PA 16001-6501.

Lawrence Conservation District: 540 Court Street, New Castle PA 16101-3558.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI061006001	Arden Development Partners, LP Arden Woods Subdivision 215 Executive Drive Suite 300 Cranberry Township, PA 16066	Butler	Lancaster Township	Scholars Run WWF

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI063706002	Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106	Lawrence	Little Beaver, New Beaver and Big Beaver Boroughs	Jordan Run and a UNT Honey Creek and a UNT Beaver Dam Run and a UNT North Fork Little Beaver Creek HQ-CWF

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

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional 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-02

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lower Nazareth Township Nazareth Borough Northampton County	PAR10U188R	Jandy Partnership, LLP 819 Nazareth Pike P. O. Box 265 Nazareth, PA 18064-9001	Schoeneck Creek WWF	Northampton Co. Cons. Dist. (610) 746-1971
Washington Township Schuylkill County	PAG2005406026	Dale S. Stoltzfus 161 Rock Road Pine Grove, PA 17963	Tributary to Swatara Creek CWF	Schuylkill Co. Cons. Dist. (570) 622-3742
Hanover Township Luzerne County	PAG2004007001	Verus Partners, LLC 9450 West Bryn Mawr Avenue, No. 150 Rosemont, IL 60018	Sugar Notch Run CWF	Luzerne Co. Cons. Dist. (570) 674-7991
Greenwood Township Perry County	PAG2035007002	Lon Barrick 528 Bucks Church Road Newport, PA 17074	Wild Cat Run CWF	Perry County Conservation District 31 West Main Street P. O. Box 36 New Bloomfield, PA 17068 (717) 582-5119

NOTICES

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<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Penn Township Perry County	PAG2035007004	Mitch Himmelberger 25 Cove Road Duncannon, PA 17020	Susquehanna River WWF	Perry County Conservation District 31 West Main Street P. O. Box 36 New Bloomfield, PA 17068 (717) 582-5119
Lower Paxton Township Dauphin County	PAG2002206072	The McNaughton Co. 4400 Deer Path Road Suite 201 Harrisburg, PA 17110	Beaver Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8276
City of Reading Berks County	PAG2000604115(1)	David F. Stauffer United Corrstack, LLC 720 Laurel Street Reading, PA 19602	Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Washington Township Dauphin County	PAG2002204026	Dawn Lisi 4 Dawn Drive Millersburg, PA 17061	UNT to Wiconisco Creek CWF, WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8276
West Hanover Township Dauphin County	PAG2002207012	Manada Golf Club 609 Golf Lane Grantville, PA 17028	UNT to Bow Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8276
Swatara Township Dauphin County	PAG2002207011	Mohn Street Accessible Housing, Inc. 501 Mohn Street Steelton, PA 17113	Susquehanna River WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8276
Lower Paxton Township Dauphin County	PAG2002206064	Bhupendra D. Patel MLG Enterprises, Inc. 252 Bow Creek Road Grantville, PA 17112	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8276
Lancaster Township Lancaster County	PAG2003606113	Shepherd Family, LP 2817 Countryside Drive Lancaster, PA 17601	Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Lancaster City Lancaster County	PAG2003606124	City Of Lancaster 120 N. Duke Street Lancaster, PA 17603	Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Sadsbury Township Lancaster County	PAG2003606133	Wilmer Hostetter 481 Limestone Road Oxford, PA 19363	Williams Run TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
West Lampeter Township Lancaster County	PAG2003607006	Evangelical Lutheran Church of The Ascension P. O. Box 635 600 E. Penn Grant Road Willow Street, PA 17584	UNT Pequea Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Manheim Township Lancaster County	PAG2003607012	730 Eden Associates, LP 1671 Eden Road Lancaster, PA 17601	Landis Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Ephrata Borough Lancaster County	PAG2003607015	Ephrata Area School District 803 Oak Boulevard Ephrata, PA 17522	Cocalico Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Pequea Township Lancaster County	PAG2003607019	Joe Garber 248 Stoney Lane Lancaster, PA 17603	UNT Stehman Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Manheim Township Lancaster County	PAG2003607020	Lancaster County Transportation Authority/Department of Transportation P. O. Box 4903 Lancaster, PA 17604	Little Conestoga Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Bethel Township Lebanon County	PAG2003807002	Robert Kinsley Edden Associates 6259 Reynolds Mill Road Seven Valleys, PA 17360	Beach Run WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 4
Union, Bethel and Swatara Townships Lebanon County	PAG2003806036	John Norbeck Department of Conservation and Natural Resources (Bureau of State Parks) P. O. Box 8551 8th Floor Rachel Carson State Office Building Harrisburg, PA 17105-8551	Swatara Creek TSF Lickdale Trail WWF Remainder CWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 4
Pine Grove Schuylkill County				
East St. Clair Township Bedford County	PAG2000507005	James Webb P. O. Box 83 Jarrettsville, MD 21084	Oppenheimer Run WWF	Bedford Conservation District 702 West Pitt Street Fairlawn Court Suite 4 Bedford, PA 15522 (814) 623-7900, Ext. 3
Upper Allen Township Cumberland County	PAG2002107002	DBL Investment Properties, LLC Lot No. 7 Upper Allen Business Park 140 West Huffaker Lane Suite 509 Reno, NV 89511	Cedar Run CWF	Cumberland County Conservation District 43 Brookwood Avenue Carlisle, PA 17013 (717) 240-7812

NOTICES

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<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Windsor Township Berks County	PAG2000607014	Balfour Beatty Construction Raymond W. Jaymes 601 Monument Road Hamburg, PA 19526	UNT to Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Lycoming County Piatt and Woodward Townships	PAG2004107003	Department of Transportation District 3-0 715 Jordan Avenue P. O. Box 218 Montoursville, PA 17754-0218	Susquehanna River WWF	Lycoming County Conservation District 542 County Farm Road Suite 202 Montoursville, PA 17754 (570) 433-3003
Lycoming County Muncy Township	PAG2004107004	Jeff Camp Vision Properties, LLC 2250 Hickory Road Suite 110 Plymouth Meeting, PA 19462	Turkey Run WWF	Lycoming County Conservation District 542 County Farm Road Suite 202 Montoursville, PA 17754 (570) 433-3003
Snyder County Union Township	PAG2005507002	Richard Hilsher 5254 South Susquehanna Trail Port Trevorton, PA 17864-9801	UNT Susquehanna River WWF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, Ext. 5
Snyder County Selinsgrove Borough	PAG2005507003	David C. Henry Susquehanna University 514 University Avenue Selinsgrove, PA 17870-1001	Penns Creek WWF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, Ext. 5
Cambria County Allegheny Township	PAG2001107001	Federal Prison Industries, Inc. 400 First Street, NW Washington, DC 20534	UNT Clearfield Creek CWF	Cambria County CD (814) 472-2140
Indiana County White Township	PAG2003207001	Commissioner Ruddock County Commissioners 825 Philadelphia Street Indiana, PA 15701	Two Lick Creek CWF	Indiana County CD (724) 463-8547
Somerset County Paint Township	PAG2005606016	Wessley, LLC 212 Pomroy's Drive Windber, PA 15963	UNTB to Seese Run CWF	Somerset County CD (814) 445-4652
Somerset County Somerset Township	PAG2005607003	Somerset County Commissioners 300 N. Center Avenue Suite 500 Somerset, PA 15501	UNTB to Wells Creek CWF	Somerset County CD (814) 445-4652
Washington County Donegal Township	PAG2006307015	Robert Cossell 198 Ogleby Lane Connellsville, PA 15425	UNT Enlow Fork WWF	Washington County CD (724) 228-6774
Washington County Fallowfield Township	PAG2006307017	Leon Gysegem 144 Reeds Mill Road Charleroi, PA 15022	UNT to Pigeon Creek WWF	Washington County CD (724) 228-6774
Butler County Connoquenessing Borough	PAG2001006034	Frank Zervos Hidden Springs FMZ Construction & Development Inc. 125 Gracie Lane Mars, PA 16046	Connoquenessing Creek WWF	Butler Conservation District (724) 284-5270

*Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water/Use**Contact Office &
Phone No.*Butler County
Harrisville Borough

PAG2001007004

Mark Campisi
Cumberland
Communities, LLC
Land Development
P. O. Box 2184
Butler, PA 16003UNT to Slippery Rock
Creek
CWFButler Conservation
District
(724) 284-5270*General Permit Type—PAG-3**Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water/Use**Contact Office &
Phone No.*Dunmore Borough
Lackawanna
County

PAR802205

New Penn Motor
Express, Inc.
P. O. Box 630
625 South Fifth Street
Lebanon, PA 17042Eddy Creek
WWFDEP—NERO
Water Mgmt. Program
2 Public Square
Wilkes-Barre, PA
18711-2511
(570) 826-2511Gordon Borough
Schuylkill County

PAR222208

Universal Forest
Products Eastern
Division, Inc.
2801 E. Beltline Avenue
NE
Grand Rapids, MI 49525

Little Mahanoy Creek

DEP—NERO
Water Mgmt. Program
2 Public Square
Wilkes-Barre, PA
18711-2511
(570) 826-2511Stillwater Borough
Columbia CountyPAR224809
(Stormwater)Collins Tool Corporation
37B Lower Raven Creek
Road
Stillwater, PA 17878Raven Creek
CWFNorthcentral Regional
Office:
Water Management
Program
208 West Third Street
Suite 101
Williamsport, PA 17701
(570) 327-3666Chartiers Township
Washington County

PAR506114

Waste Management of
PA, Inc.
200 Rangos Lane
Washington, PA 15301

UNT to Georges Run

Southwest Regional
Office:
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA
15222-4745
(412) 442-4000Plum Borough
Allegheny County

PAR236118

Industrial Terminal
Systems, Inc.
P. O. Box 4127
New Kensington, PA
15068

Allegheny River

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

PAR208305

Lane Enterprises, Inc.
3905 Hartzdale Drive
Suite 514
Camp Hill, PA 17011

Shenango River

DEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6942Hempfield
Township
Mercer County

PAR608339

Frank Crash Auto
Wrecking
31 Conneaut Lake Road
Greenville, PA 16125

Shenango River

DEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6942Adams Township
Butler County

PAR118336

Callery/Conway/Mars
HV, Inc.
P. O. Box AB
Callery, PA 16024

Breakneck Creek

DEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6942

NOTICES

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*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving
Water/Use*

*Contact Office &
Phone No.*

Paint Township
Clarion County

PAR708312

IA Construction
Corporation
19000 Paint Boulevard
(Route 66)
Clarion, PA 16254

Clarion River

DEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6942

City of Sharon
Mercer County

PAR608337

Crash Brothers Auto
Wrecking
329 South Dock Street
Sharon, PA 16147

Shenango River

DEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6942

General Permit Type—PAG-4

*Facility Location &
Municipality*

Permit No.

*Applicant Name &
Address*

*Receiving
Water/Use*

*Contact Office &
Phone No.*

Bedford County
Monroe Township

PAG043649

George B. Blankley
5003 Elk Lick Road
Everett, PA 15537

Clear Creek
TSF

DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
(717) 705-4707

Lycoming County
Lewis Township

PAG045237

Ralph K. Apker
1458 Route 14 Highway
Trout Run, PA 17771

UNT to Lycoming Creek
WWF

Northcentral Regional
Office:
Water Management
Program
208 West Third Street
Suite 101
Williamsport, PA 17701
(570) 327-3664

Union Township
Centre County

PAG045234

Dorothy Semple
648 Rattlesnake Pike
Julian, PA 16844

UNT to Dewitt Run
WWF

Northcentral Regional
Office:
Water Management
Program
208 West Third Street
Suite 101
Williamsport, PA 17701
(570) 327-3666

East Huntingdon
Township
Westmoreland
County

PAG046143

Robert L. Blosser
126 Hernley Lane
Scottdale, PA 15683-7714

Jacobs Creek

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

Amwell Township
Washington County

PAG046136

David C. Smydo
69 Robinson Road
Scenery Hill, PA 15360

Tributary to Little Ten
Mile Creek

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

Peters Township
Washington County

PAG046257

Mary Beth Magyan
347 Church Hill Road
Venetia, PA 15367

Tributary to Peters
Creek

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>
Clearfield Township Cambria County	PAG046107	Anthony F. Gibbons 206 Stoltz Road Patton, PA 16668-5905	Burgoon Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Clearfield Township Cambria County	PAG046148	William F. Frederick 333 Nagle Road Patton, PA 16668-6208	Burgoon Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Frazer Township Allegheny County	PAG046251	Andrew Bell 210 Providence Club Drive Monroe, GA 30656	Tributary to Bull Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Indiana Township Allegheny County	PAG046149	Louis F. Beatty 135 Dennis Drive Glenshaw, PA 15116-3003	Tributary of Little Pine Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Indiana Township Allegheny County	PAG046343	Gary Schmidt 26 Bridge Street Pittsburg, PA 15223	Rawlins Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Frazer Township Allegheny County	PAG046347	Carolyn Bajack 1554 Days Run Road Tarentum, PA 15084	Little Deer Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Franklin Township Beaver County	PAG046333	Jack Schweiger 259 Church Road Fombell, PA 16123	Doe Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Summit Township Erie County	PAG049323	Rob Kurczewski 8140 Old French Road Erie, PA 16509-5145	UNT to Walnut Creek 15-WC	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-5

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Upper Chichester Township Delaware County	PAG050076	Ewing Oil Company 11949 Robinwood Drive Hagerstown, MD 21742	East Branch Naaman Creek	Southeast Regional Office: 2 East Main Street Norristown, PA 19401
White Township Indiana County	PAG056177	Sunoco, Inc. 5733 Butler Street Pittsburgh, PA 15201-2115	Stoney Run and Blacklick Creek	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 & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Springettsbury Township York County	PAG083505	Springettsbury Township 1501 Mt. Zion Road York, PA 17402		DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

General Permit Type—PAG-8 (SSN)

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Henderson Township Huntingdon County	PAG083536	Borough of Huntingdon 530 Washington Street Huntingdon, PA 16652-0592	William Wingert Farm Henderson Township Huntingdon County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Dickinson Township Cumberland County	PAG083577	Mount Holly Springs Borough Authority 11-13 Mill Street Mount Holly Springs, PA 17065-1208	Glenn Thrush Farm Dickinson Township Cumberland County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
East Providence Township Bedford County	PAG083562	Borough of Everett Area Municipal Authority 100 Mechanic Street Everett, PA 15537	LoJo Farm Field 13 East Providence Township Bedford County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

General Permit Type—PAG-9

<i>Facility Location & County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Washington Township York County	PAG093501	Young's Sanitary Septic Services, Inc. P. O. Box 704 Dillsburg, PA 17019		DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Taylor Township Fulton County	PAG093538	County Septic Service 29169 Great Cove Road Ft. Littleton, PA 17223		DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

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>
Huntingdon County Cromwell Township	PAG123519	Monte Edgin M & M Farm 10368 Chester Furnace Road Shirleysburg, PA 17260	Watershed 12-C	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Union County Kelly Township	PAG124805	David N. Groff 262 Pawling Road Lewisburg, PA 17837	UNT to West Branch Susquehanna River WWF	Northcentral Regional Office: Watershed Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-0529
Delmar Township Tioga County	PAG124819	Willard Hackman 1035 Deans Hill Road Wellsboro, PA 16901	Wilson Creek CWF	Northcentral Regional Office: Watershed Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-0529

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

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

Permit No. 4807502, Public Water Supply.

Applicant	Pennsylvania American Water Company (PAWC) 800 West Hersheypark Drive Hershey, PA 17033 Upper Nazareth Township
County	Northampton
Type of Facility	PWS
Consulting Engineer	David M. Lentkowski, P. E. PAWC 4 Wellington Boulevard Wyomissing, PA 19610
Permit to Construct Issued	3/27/2007

Permit No. 5206502, Public Water Supply.

Applicant	Three Lane Utilities, Inc. c/o Roundtable Services 302 East Broad Street, 2nd Floor West Field, NJ 07090 Westfall Township
County	Pike
Type of Facility	PWS
Consulting Engineer	Mike Gable, P. E. RKR Hess Associates, Inc. Hanover Office Plaza 961 Macon Boulevard Suite 425 Allentown, PA 18109
Permit to Construct Issued	2/28/07

Permit No. 4006501, Public Water Supply.
 Applicant **Conyngham Borough Authority**
 90 Butler Avenue
 Conyngham, PA 18219
 Conyngham Borough
 County **Luzerne**
 Type of Facility PWS
 Consulting Engineer Ed Pieproski, P. E.
 Entech Engineering, Inc.
 685 South Mountain Boulevard
 Suite A
 Mountaintop, PA 18707
 Permit to Construct 3/14/07
 Issued

Permit No. 4806504, Public Water Supply.
 Applicant **Easton Suburban Water Authority**
 3700 Hartley Avenue
 Easton, PA 18045
 City of Easton
 County **Northampton**
 Type of Facility PWS
 Consulting Engineer James C. Elliott, P. E.
 Gannett Fleming, Inc.
 P. O. Box 67100
 Harrisburg, PA 17011
 Permit to Construct 2/28/07
 Issued

Permit No. Minor Amendment-T1, Public Water Supply.
 Applicant **Easton Suburban Water Authority**
 3700 Hartley Avenue
 Easton, PA 18045
 Williams Township
 County **Northampton**
 Type of Facility PWS
 Consulting Engineer James C. Elliott, P. E.
 Gannett Fleming, Inc.
 P. O. Box 67100
 Harrisburg, PA 17106
 Permit to Construct 3/19/07
 Issued

Permit No. Minor Amendment-T1, Public Water Supply.
 Applicant **Easton Suburban Water Authority**
 3700 Hartley Avenue
 Easton, PA 18045
 City of Easton
 County **Northampton**
 Type of Facility PWS
 Consulting Engineer James C. Elliott, P. E.
 Gannett Fleming, Inc.
 P. O. Box 67100
 Harrisburg, PA 17106

Permit to Construct 3/19/07
 Issued

Permit No. 3480050, Operations Permit, Public Water Supply.
 Applicant **Easton Suburban Water Authority**
 3700 Hartley Avenue
 Easton, PA 18045
 City of Easton, Williams Township, Wilson Borough, Palmer-Forks and Lower Nazareth Townships
 County **Northampton**
 Type of Facility PWS
 Consulting Engineer James C. Elliott, P. E.
 Gannett Fleming, Inc.
 P. O. Box 67100
 Harrisburg, PA 17106
 Permit to Construct 3/19/07
 Issued

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

Permit No. 6706515, Public Water Supply.
 Applicant **The York Water Company**
 Municipality Spring Garden Township
 County **York**
 Type of Facility Installation of plate settlers and a residuals handling system at the Grantley Road facility.
 Consulting Engineer Ryan M. Ural, P. E.
 The York Water Company
 130 East Market Street
 P. O. Box 15089
 York, PA 17405-7089
 Permit to Construct 3/5/2007
 Issued:

Permit No. 3106501, Public Water Supply.
 Applicant **Mount Union Municipal Authority**
 Municipality Wayne Township
 County **Mifflin**
 Type of Facility Construction of the Lempkelde Well as a source of supply w/disinfection.
 Consulting Engineer Daniel J. Carbaugh, P. E.
 Keller Engineers, Inc.
 420 Allegheny Street
 Hollidaysburg, PA 16648
 Permit to Construct 3/26/2007
 Issued:

Permit No. 0106511, Public Water Supply.
 Applicant **Anchor Mobile Estates/Goldenville Estates**
 Municipality Butler Township
 County **Adams**

Type of Facility Installation of Well 3 at new Goldenville Estates Development along with 24,000 gallon storage in existing park an complete treatment for chlorination and manganese sequestration.

Consulting Engineer Terrace L. Kline, P. E.
Kline Engineering PC
449 Cameron Street
Marysville, PA 17053

Permit to Construct Issued: 3/1/2007

Permit No. 0707501 MA, Minor Amendment, Public Water Supply.

Applicant **Altoona City Authority**

Municipality Antis Township

County **Blair**

Type of Facility Relocating the decant recycle line from after the ozone contact chamber to before the ozone contact chamber.

Consulting Engineer Michael V. Sinisi, P. E.
Altoona City Authority
20 Greenwood Road
Altoona, PA 16602

Permit to Construct Issued: 3/29/2007

Permit No. 0107502 MA, Minor Amendment, Public Water Supply.

Applicant **New Oxford Municipal Authority**

Municipality Oxford Township

County **Adams**

Type of Facility Use of DelPAC 2020 as coagulation chemical during cold-water operation.

Consulting Engineer Jay E. Patel, P. E.
CET Engineering Services
1240 North Mountain Road
Harrisburg, PA 17112

Permit to Construct Issued: 3/20/2007

Permit No. 3607503 MA, Minor Amendment, Public Water Supply.

Applicant **Columbia Water Company**

Municipality Columbia Borough

County **Lancaster**

Type of Facility Exterior and interior painting of the 1 million gallon Lockard's Hollow Storage tank.

Consulting Engineer David T. Lewis, P. E.
Columbia Water Company
220 Locust Street
Columbia, PA 17512

Permit to Construct Issued: 3/29/2007

Operations Permit issued to: **Valley Run Water System**, 3060135, Washington Township, **Berks County** on 3/20/2007 for the operation of facilities approved under Construction Permit No. 0603506.

Operations Permit issued to: **United Water Pennsylvania**, 7220015, Hummelstown Borough, **Dauphin County** on 3/26/2007 for the operation of facilities approved under Construction Permit No. 2207504 MA.

Operations Permit issued to: **Hillandale Gettysburg, LP**, 7010932, Tyrone Township, **Adams County** on 3/27/2007 for the operation of facilities approved under Construction Permit No. 0107503 MA.

Operations Permit issued to: **Lower Windsor Township**, 7670307, Lower Windsor Township, **York County** on 3/22/2007 for the operation of facilities approved under Construction Permit No. 6707504 MA.

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

Tioga Borough Municipal Authority (Public Water Supply), Tioga County: The Source Water Protection report for the Tioga Borough Municipal Authority has been approved on April 3, 2007. Tioga Borough Municipal Authority is to be commended for taking this proactive step to protect the source water for the community. Development of the program was funded, in part, by a SWP grant (L. Richard Adams, (570) 321-6581).

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

Operations Permit issued to: **Cambridge Springs Borough**, PWSID No. 6200004, Cambridge Springs, **Crawford County**. Permit Number 2006502-C, issued March 30, 2007, for the operation of the Corrosion Control treatment system, as approved under construction permit 2006502-C, dated January 17, 2007.

WATER ALLOCATIONS

Actions taken on applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of this Commonwealth

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

WA 49-59B, Water Allocations. Sunbury Municipal Authority, 462 South Fourth Street, Sunbury, PA 11801, City of Sunbury, **Northumberland County**. Granting the right to withdraw a maximum of 5 million gpd from Little Shamokin Creek and a maximum of 5 million gpd from the Susquehanna River but not more than 5 million gpd combined. These sources are located in the City of Sunbury, Northumberland County.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location: City of Bethlehem, former Bethlehem Steel Corporation property

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
City of Bethlehem	Easton Road, Bethlehem, PA	Northampton

Plan Description: The approved plan provides for a three-lot industrial park on a 185-acre brownfield tract on

the former lands of the Bethlehem Steel Corporation. The 13,000 gpd of proposed sewage flows will flow by means of a gravity sewer to an onsite pump station located on lot No. 2. A 3-inch force main will connect to the City of Bethlehem 18-inch sanitary system at manhole BCC No. 17, located in Bethlehem Commerce Center Boulevard, for conveyance to the City of Bethlehem Wastewater Treatment Plant. Public water will be provided to the project by the City of Bethlehem. The proposed development is located on Easton Road, City of Bethlehem, Northampton County. 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 municipality or authority as appropriate.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Hepburn Township	P. O. Box 3083 Williamsport, PA 17701	Lycoming

Plan Description: The alternative selected was deemed to be not implementable due the high project cost and heavy reliance on grant contribution. The plan called for serving 12 homes, 5 of which had confirmed malfunctions, with a sewer collection system and recirculating sand filter treatment system. A sixth malfunction would have been served by a small flow treatment facility.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Franklin Park Borough	2344 West Ingamore Road Pittsburgh, PA 15237-1619	Allegheny

Plan Description: The approved plan provides for the installation of a small flow treatment facility located along Weinman Road in Franklin Park Borough, Allegheny County. The proposed treatment facility will discharge approximately 400 gpd from a single-family dwelling to a UNT of Big Sewickley Creek. 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 homeowner.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Marshall Township	P. O. Box 2094 Warrendale, PA 15086	Allegheny

Plan Description: The approved plan provides for the installation of a small flow sewage treatment facility located along Oak Creek land in Marshall Township, Allegheny County. The proposed treatment facility will discharge approximately 1,000 gpd from 2 single-family dwellings to a UNT of Big Sewickley Creek. 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 homeowner.

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

Public Notice of Proposed Consent Order and Agreement

RSR Jones Chemical Site City of Erie, Erie County

Under section 1113 of the Hazardous Sites Cleanup Act (35 P. S. § 6020.1113) (HSCA), notice is hereby provided that the Department of Environmental Protection (Department) has agreed to a settlement with Cytec Industries, Inc. (Cytec) and American Cyanamid Company n/k/a Wyeth Holdings Corporation (American Cyanamid) to resolve American Cyanamid's liability for the RSR-Jones Chemical Site (Site). The Site is located in the City of Erie, Erie County, PA and is approximately 6.5 acres in size. The site can be found at 42° 06' 28.2" north latitude and 80° 06' 29.0" west longitude on the Erie South topographic quadrangle.

In the past, wastes and other materials containing hazardous substances were released and/or disposed at the Site and these wastes and other materials contaminated the environment at the Site. As an operator of a portion of the Site during the time of the release and threatened release of hazardous substances at the Site, American Cyanamid is a "responsible person" as defined in section 103 of the HSCA (35 P. S. § 6020.103). Under a series of agreements between Cytec and American Cyanamid, Cytec agreed to indemnify American Cyanamid for certain environmental liabilities associated with its chemicals business at the Site, including this cost recovery matter. Under the terms of this settlement, Cytec will pay the Department \$125,000 for American Cyanamid's share of the Department of Environmental Protection's (Department) approximately \$980,000 in response costs at the Site.

The specific terms of this settlement are set forth in the Consent Order and Agreement (Agreement) with Cytec and American Cyanamid. The Department will receive and consider comments relating to the Agreement for 60 days from the date of this public notice. The Department has the right to withdraw its consent to the Agreement if the comments concerning the Agreement disclose facts or considerations that indicate that the Agreement is inappropriate, improper or not in the public interest.

After the public comment period, the Department's settlement with Cytec and American Cyanamid shall be effective upon the date that the Department notifies Cytec and American Cyanamid, in writing, that this Agreement is final and effective in its present form, and that the Department has filed a response to significant written comments to the Agreement, or that no such comments were received.

The Agreement is available for inspection and copying at the Department's office at 230 Chestnut Street, Meadville, PA. Comments may be submitted, in writing, to James W. Weaver, Environmental Protection Specialist, Department of Environmental Protection, Hazardous Sites Cleanup, 230 Chestnut Street, Meadville, PA 16335. Further information may be obtained by contacting James Weaver at (814) 332-6648. TDD users may contact the Department through the Pennsylvania Relay Service at (800) 645-5984.

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:

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

Lingle Property, Lynwood Mobile Home Park, Lawrence Township, **Clearfield County.** Chambers Environmental Group, 629 East Rolling Ridge Drive, Bellefonte, PA 16823 on behalf of Andrew Lingle, c/o Law Offices of T. Andrew Lingle, PC, 9211 Forest Hill Avenue, Suite 201, Richmond, VA 23235 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 heating oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

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

Frost Watson, Newton Borough, **Bucks County.** Mark Fortna, DelVal Soil & Env. Consultants, Inc., Sky Run II, Suite A1, 4050 Skyron Drive, Doylestown, PA

18901, Cloreces K. Kulp, DelVal Soil & Env. Consultants, Inc., 4050 Skyron Drive, Suite A-1, Doylestown, PA 18901 on behalf of Greg LaGreca, Toll Brothers, Inc., 250 Gibraltar Road, Horsham, PA 19044 has submitted a Final Report concerning the remediation of site soil contaminated with lead and inorganic. The Final Report demonstrated attainment of the Statewide Health Standards and was approved by the Department on March 23, 2007.

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

A & E Automotive, Hallstead Borough, **Susquehanna County**. Dawn Washo, Resource Environmental Management, Inc., 8 Ridge Street, Montrose, PA 18801 submitted a Final Report (on behalf of her client Johnnie Florance, A & E Automotive, 238 Main Street, Hallstead, PA 18222) concerning the remediation of soils impacted by gasoline as the result of the removal of underground storage tanks and/or historical operations. The report demonstrated attainment of the Statewide Health (Nonuse Aquifer) Standard for soils and groundwater and was approved on March 21, 2007.

Jean Cantor Property, Jackson Township, **Monroe County**. James Sposito, P. G., James P. Sposito Associates, 11 Archbald Street, Carbondale, PA 18407 submitted a Final Report (on behalf of his client, Jean Cantor, Twin Pines Road, Stroudsburg, PA 18360) concerning the remediation of soils found to have been impacted by No. 2 fuel oil as the result of an accidental release due to a failed fill line during a fuel oil delivery. The report demonstrated attainment of the Statewide Health Standard for soils and groundwater and was approved on March 27, 2007.

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

Landon's Cedar Ledge Service Station Property, Canton Township, **Bradford County**. Pennsylvania Tectonics, Inc., 826 Main Street, Peckville, PA 18452 on behalf of Frank S. and Joyce C. Landon, Landon's Cedar Ledge Service Station, R. R. 2, Box 211, Canton, PA 17724 has submitted a Final Report concerning remediation of site groundwater contaminated with dissolved lead. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 26, 2007.

Sallach Residence, Old Lycoming Township, **Lycoming County**, Lewis Environmental Group, P. O. Box 639, Royersford, PA 19488 on behalf of Picklener Fuel Company, 210 Locust Street, Williamsport, PA 17701 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The applicant proposes to remediate the site to meet the Statewide Health Standard. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on March 30, 2007.

Catawissa Lumber Paxinos Property, Ralpho Township, **Northumberland County**. Converse Consultants, 2738 W. College Avenue, State College, PA 16801 on behalf of Catawissa Lumber & Specialty Co., Inc., Route 487, Paxinos, PA 17960 has submitted a Final Report concerning remediation of site soil contaminated with VOCs that include styrene, toluene, xylenes, trimethylbenzenes and trichloroethene. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on March 22, 2007.

Arthur J. Keister, Jr. Property/Silvermoon Development, Kelly Township, **Union County**. Chambers Environmental Group, Inc., 629 East Rolling Ridge Drive, Bellefonte, PA 16823 on behalf of Arthur J. Keister, c/o Attorney Lonnie C. Hill, 47 North Hill Street, Lewisburg, PA 17837 has submitted a Final Report concerning remediation of site groundwater contaminated with chlorinated solvents and dissolved metals. The Final Report demonstrated attainment of the Nonresidential Statewide Health Standard and was approved by the Department on March 30, 2007.

RESIDUAL WASTE GENERAL PERMITS

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

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

General Permit Application No. WMGR111. Electric Power Generation Association, 800 North 3rd Street, Suite 303, Harrisburg, PA 17102.

General Permit Numbered WMGR111 is for the processing of: (i) synthetic gypsum from forced oxidation flue gas desulfurization (FGD) systems, generated at coal-fired electric power plants; (ii) coal ash; and (iii) approved alkaline agent, for beneficial use as a stabilized FGD-gypsum material for mine reclamation purposes by placement at active or abandoned mine sites. This residual waste general permit was issued by the Central Office on April 2, 2007.

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

AIR QUALITY

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

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

GP19-67-03081A: Finishing Systems, Inc. (70 Willow Springs Circle, York, PA 17406) on March 27, 2007, for Dry Abrasive Blasting Operations under GP19 in Manchester Township, **York County**.

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

GP-62-172: Glenn O. Hawbaker Brokenstraw (Route 6, Pittsfield, PA 16340) on March 31, 2007, for a portable mineral processing unit and nonroad engine in Pittsfield Township, **Warren County**.

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

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

48-309-124: Keystone Cement Co. (Route 329, P. O. Box A, Bath, PA 18014) on April 3, 2007, to incorporate creditable emissions reduction related conditions into a previously issued plan approval in East Allen Township, **Northampton County**. Keystone is a major facility subject to the requirements of 25 Pa. Code Chapter 127, Subchapter E (relating to new source review). The original plan approval was issued on May 22, 2006, for the modification of the cement manufacturing processes and associated air cleaning devices in East Allen Township, Northampton County. Although, the original plan approval specified that the shutdown of Kilns 1 and 2 would generate creditable emissions reduction, the amount of reductions generated was inadvertently omitted. This revised language of the plan approval is solely for incorporating the specific amount of creditable emissions reduction related conditions into the previously issued plan approval and does not alter the previously issued plan approval with respect to construction, modification or reactivation of an air contaminant source or the installation of an air cleaning devices on an air contaminant source.

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

06-05069K: East Penn Manufacturing Co., Inc. (Deka Road, P. O. Box 147, Lyon Station, PA 19536) on March 27, 2007, to construct a lead/acid storage battery manufacturing plant including six lead oxide mills in Richmond Township, **Berks County**.

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

16-148A: RV Burns Crematorium, Inc. (24 Merle Street, Clarion, PA 16214) on March 7, 2007, to install a human remains crematory at their Clarion facility in the Township of Clarion, **Clarion County**.

25-025K: General Electric Transportation Systems—Erie Plant (2901 East Lake Road, Room 9-201, Erie, PA 16531) on March 19, 2007, to modify plan approval 25-318-106 condition with regards to the VOC content of the varnish coating in Lawrence Park Township, **Erie County**. This is a Title V facility.

10-021P: Indspec Chemical Corp. (133 Main Street, Petrolia, PA 16050) on March 26, 2007, to install a new 9,949 gallon Styrene Storage Tank at their facility in Petrolia Borough, **Butler County**. The facility currently has a Title V permit.

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

46-00061: Department of Corrections—Graterford State Correctional Institute (Graterford Road, Collegeville, PA 19426) on March 30, 2007, for renewal of the Title V Operating Permit issued on December 19, 2001, to operate three anthracite coal fired boilers on No. 2 fuel oil fired boiler in Skippack 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. This Title V Operating Permit was also revised to incorporate plan approval 46-329-014 for three standby diesel generators in accordance with the requirements of 25 Pa. Code § 127.450. The proposed Title V Operating Renewal does not adopt any new regulations and does not reflect any change in air emissions from the facility. The facility is not subject to Compliance Assurance Monitoring under 40 CFR Part 64. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

46-00090: Tube Methods, Inc. (416 Depot Street, Bridgeport, PA 19405-0460) on March 30, 2007, to operate for renewal of the Title V Operating Permit in Bridgeport Borough, **Montgomery County**. The initial permit was issued on October 4, 2001. The main source of VOCs and HAPs is a vapor degreaser, and the main pollutant from this source is trichloroethylene. The source is regulated under the requirements of 40 CFR 63, Subpart T and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Renewal does not adopt any new regulations and does not reflect any change in air emissions from the facility. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

23-00040: Laurel Pipe Line Co., LP (3398 Garnet Mine Road, Boothwyn, PA 19061-0917) on March 30, 2007, for renewal of the Title V Operating Permit in Bethel Township, **Delaware County**. The initial permit was issued on 12-19-2001. The facility is a refined petroleum breakout station consisting of incoming and outgoing pipeline systems and aboveground breakout tanks. As a result of potential emissions of VOCs, 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 proposed Title V Operating Renewal does not reflect any change in air emissions from the facility. The facility is not subject to Compliance Assurance Monitoring under 40 CFR Part 64. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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

56-00257: Department of Correction—Commonwealth of Pennsylvania (PDS 2520 Lisburn Road, Camp Hill, PA 17011) on March 23, 2007, for three Riley type R1 14 WW coal-fired boilers rated at 27.1 mmBtu/hr apiece and three emergency generators which emit major quantities of SOx and particulate at their Laurel Highlands Correctional Facility, in Somerset Township, **Somerset County**.

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

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

15-00034: Sanofi-Aventis U.S., Inc. (9 Great Valley Parkway, Malvern, PA 19355) on March 30, 2007, to operate a non-Title V, State-only, Synthetic Minor Operating Permit in East Whiteland Township, **Chester County**. Sanofi-Aventis, U.S., Inc. is a pharmaceutical research and development facility. The facility is a major source of NO_x and will take appropriate operating and emission restrictions to maintain a minor status below 25 tpy. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

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

35-00042: Scranton Sewer Authority (307 North Washington Avenue, Scranton, PA 18503) on January 31, 2007, for a wastewater treatment plant operation in the City of Scranton, **Lackawanna County**.

39-00066: Eastern Industries, Inc.—Whitehall Quarry (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18042) on February 28, 2007, for a stone crushing plant in Whitehall Township, **Lehigh County**.

40-00052: Pioneer Aggregates—Valley Stone Quarry (202 Main Street, Laflin, PA 18702) on January 31, 2007, for a stone crushing plant in Plains Township, **Luzerne County**.

48-00044: Just Born, Inc. (1300 Stefko Boulevard, Bethlehem, PA 18017-6620) on December 29, 2006, for a candy and confectionary products facility in Bethlehem City, **Lehigh County**.

54-00039: Pennsy Supply, Inc. (1001 Paxton Street, Harrisburg, PA 17104) on February 28, 2007, for a hot mix asphalt plant in Wayne Township, **Schuylkill County**.

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

01-03011: Dal Tile Corp. (283 S. Main Street, Bendersville, PA 17306) on March 29, 2007, to operate their ceramic floor and wall tile products facility in Bendersville Borough, **Adams County**. This action is a renewal of the State-only operating permit.

01-03016: Dal Tile Corp. (2938 York Road, Gettysburg, PA 17325-8229) on March 29, 2007, to operate their ceramic floor and wall tile products facility in Straban Township, **Adams County**. This action is a renewal of the State-only operating permit.

06-03114: Aluminum Alloys, Inc. (P. O. Box 2197, Sinking Spring, PA 19608-2197) on March 27, 2007, to operate a secondary aluminum foundry controlled by various fabric collectors in Lower Heidelberg Township, **Berks County**. This is a renewal of the State-only operating permit.

36-03011: Wilbur Chocolate Co., Inc. (48 North Broad Street, Lititz, PA 17543-1005) on March 30, 2007, to operate the sugar processing equipment at their head-

quarters in Lititz Borough, **Lancaster County**. This is a renewal of the State-only operating permit.

67-05073: New York Wire Co. (P. O. Box 866, Mt. Wolf, PA 17347-0866) on March 28, 2007, to operate their textile facility in Mount Wolf Borough, **York County**. This is a renewal of the State-only operating permit.

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

04-00700: Mansell Industrial Services (1755 Pennsylvania Avenue, Monaca, PA 15061) on March 22, 2007, to operate a rotary kiln dryer and baghouse at the Industry Plant in Industry Borough, **Beaver County**.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

09-00013: Wheelabrator Falls, Inc. (1201 New Ford Mill Road, Morrisville, PA, 19067) on March 30, 2007, to finalize an appeal of the Title V Operating Permit in Falls Township, **Bucks County**. This amendment is an Administrative Amendment of a Title V Operating Permit issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.462.

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

41-00013: Coastal Aluminum Rolling Mills, Inc. (2475 Trenton Avenue, Williamsport, PA 17701) on March 28, 2007, in accordance with the requirements of 25 Pa. Code § 127.462, to change the frequency of VOC stack testing on a coil coating line (Line No. 8) from once every 3 years to once every 4 years and to establish an engineering analysis requirement for the regenerative thermal oxidizer associated with the respective line in the City of Williamsport, **Lycoming County**.

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

65-00802: Cleveland Brothers Equipment Co.—Delmont Warehouse (P. O. Box 140, Route 66 South, Delmont, PA 15626) on March 20, 2007, to change ownership from the former Beckwith Machinery Company in Salem Township, **Westmoreland County**. This is a minor modification of their State-only Operating Permit.

63-00909: GE Ionics, Inc. (50 Curry Avenue, Canonsburg, PA 15317-1743) on March 30, 2007, for an alternative method of compliance to determine the VOC content of the coating as applied at their facility in Canonsburg Borough, **Washington County**. This is a minor modification of their State-only Operating Permit.

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

25-00095: Georgia Pacific Corrugated II, LLC (1 Owen Way, Bradford, PA 16701) on April 2, 2007, for an administrative amendment change of the responsible official and ownership change to their permit in Bradford Township, **McKean County**.

26-00520: Dynamic Materials Corp. (1138 Industrial Park Drive, P. O. Box 317, Mt. Braddock, PA 15465) on March 20, 2007, to operate a clad plate finishing facility at their Mt. Braddock Plant in **Fayette County**.

56-00304: Somerset Welding and Steel, Inc. (10558 Somerset Pike, Somerset, PA 15501) on March 29, 2007, for a heavy duty truck fabrication and surface coating operation at J&J Truck Bodies & Trailers in Lincoln Township, **Somerset County**.

63-00064: North Central Processing, Inc. (P. O. Box 93941, Cleveland, OH, 44101) on March 30, 2007, to operate a thermal dryer, double deck screen, three storage silos, miscellaneous conveyors, plant haul roads and two dust collectors at their facility in Carroll Township, **Washington County**.

03-00088: Paul Bradigan and Sons, Inc. (P. O. Box 995, South Water Street, Kittanning, PA 16201) on March 27, 2007, to operate one 15,000 gallon tank, handling gasoline with a balanced vapor controlled rake for filling trucks at their facility in Kittanning Borough, Manor Township, **Armstrong County**.

42-00177: Bradford Forest, Inc. (444 High Street, P. O. Box 369, Bradford, PA 16701-0369) on March 28,

2007, to re-issue a Natural Minor Operating Permit to operate a wood processing facility in Bradford City, **McKean County**. The facility's primary emission sources include three wood fired boilers, sawmill and wood working operations and three parts washers.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

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

25-00399: Riley Power, Inc. (1420 Cascade Street Erie, PA 16502-1520) for their West Plant in the City of Erie, **Erie County**. The de minimis increases are a result of painting boiler tubes in the West Plant. In addition to the de minimis emission increases the Department also previously exempted the painting in the Binks Spray Booth in the East Plant. The Department has started a list of de minimis increases as prescribed in 25 Pa. Code 127.449(i).

Since the April 6, 2005. State-only Operating Permit issuance date, Riley Power has notified the Department of Environmental Protection of the following de minimis emission increases at the Erie Facility:

Date	Source	PM10 (tons)	VOC (tons)
2/12/2007	Binks Spray Booth East Plant	Negligible	0.28
4/2/2007	Boiler Tube paint application West Plant	0.27	0.72
Total Reported Increases		0.27	1.0
Allowable		0.6 ton/source 3 tons/facility	1 ton/source 5 tons/facility

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.

56850109 and NPDES No. PA0597350. Croner, Inc., P. O. Box 260, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface and auger mine in Brothersvalley Township, **Somerset County**, affecting 81.2 acres. Receiving streams: a UNT to Buffalo Creek

classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received on February 21, 2007. Permit issued: March 23, 2007.

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

16020901 and NPDES Permit No. PA0242055. Lester C. Henry (1555 Route 208, Emlenton, PA 16373) Renewal of an existing incidental coal extraction permit in Ashland Township, **Clarion County** affecting 10.5 acres. This permit is issued for reclamation only. Receiving streams: a UNT to Pine Run. Application received on February 7, 2007. Permit Issued: March 28, 2007.

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

17960102 and NPDES No. PA0220264. M. R. Hainsey Contracting (227 Hainsey Road, Clearfield, PA 16830), permit renewal for reclamation only of a bituminous surface mine in Goshen Township, **Clearfield County**, affecting 73.2 acres. Receiving streams: a UNT to Trout Run, a UNT to Pine Run, Pine Run, to West Branch Susquehanna River. There are no potable water supply intakes within 10 miles downstream. Application received on March 20, 2007. Permit issued: March 23, 2007.

17960115 and NPDES No. PA0220418. Waroquier Coal Company (P. O. Box 128, Clearfield, PA 16830), permit renewal for reclamation only of a bituminous surface mine in Girard Township, **Clearfield County**, affecting 37.1 acres. Receiving streams: UNTs of Bald Hill

Run, and Bald Hill Run; Bald Hill Run to West Branch Susquehanna River. There are no potable water supply intakes within 10 miles downstream. Application received on March 13, 2007. Permit issued: March 21, 2007.

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

54930101T2 and NPDES Permit No. PA0595934. Char-Pac Coal Company (P. O. Box 81, Minersville, PA 17954), transfer of an existing anthracite surface mine operation in Branch Township, **Schuylkill County** affecting 102.8 acres, receiving stream is Schaffer Creek. Application received November 9, 2006. Transfer issued on March 28, 2007.

Noncoal Permits Actions

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

08060803. Wolyniec Construction, Inc. (294 Freedom Road, Williamsport, PA 17703). Commencement, operation and restoration of a small industrial minerals (Brallier Formation—Siliceous Siltstone and Hard Fissile Shale) surface mine permit in Loyalsock Township, **Lycoming County**, affecting 5 acres. Receiving streams: a UNT to Graffius Run, tributary to Susquehanna River. Application received on November 17, 2006. Permit issued: March 22, 2007.

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

58062804. P. Tim Gavin (R. R. 3, Box 324, Meshoppen, PA 18630), commencement, operation and restoration of a quarry operation in Auburn Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received on April 24, 2006. Permit issued on March 30, 2007.

58062805. P. Tim Gavin (R. R. 3, Box 324, Meshoppen, PA 18630), commencement, operation and restoration of a quarry operation in Bridgewater Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received on April 24, 2006. Permit issued March 30, 2007.

52060302. E. R. Linde Construction Corporation (9 Collan Park, Honesdale, PA 18431), commencement, operation and restoration of a quarry operation in Lackawaxen Township, **Pike County** affecting 2.96 acres, receiving stream: none. Application received on November 15, 2006. Permit issued March 30, 2007.

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.

28074116. M & J Explosives, Inc., P. O. Box 608, Carlisle, PA 17013, blasting activity permit issued for residential development in Southampton Township, **Franklin County**. Blasting activity permit end date is March 31, 2008. Permit issued on March 22, 2007.

21074126. Newville Construction Services, Inc., 408 Mohawk Road, Newville, PA 17241-9424, blasting activity permit issued for residential development in Silver Spring Township, **Cumberland County**. Blasting activity permit end date is March 30, 2008. Permit issued on March 22, 2007.

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

65074003. KESCO, Inc. (P. O. Box 95, Adrian, PA 16210). Blasting activity permit for highway construction on SR 119, located in East Huntingdon and Hempfield Townships, **Westmoreland County**, with an expected duration of 240 days. Permit issued on March 26, 2007.

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

59074001. Wampum Hardware Co. (636 Paden Road, New Galilee, PA 16141), Antrim Road relocation blasting in Duncan Township, **Bradford County**. Permit issued March 27, 2007. Permit expires July 25, 2007.

14074004. Glenn O. Hawbaker (P. O. Box 135, 1952 Waddle Road, State College, PA 16804), construction blasting for Liberty Hill located in Harris Township, **Centre County**. Permit issued on March 29, 2007. Permit expires on March 24, 2008.

14074005. Glenn O. Hawbaker (P. O. Box 135, 1952 Waddle Road, State College, PA 16804), construction blasting (Cleveland Brothers) at the Rockview Industrial Park located in Benner Township, **Centre County**. Permit issued on March 29, 2007. Permit expires on March 24, 2008.

14074006. Glenn O. Hawbaker (P. O. Box 135, 1952 Waddle Road, State College, PA 16804), construction blasting (basin, roadways and trench blasting) at the Rockview Industrial Park located in Benner Township, **Centre County**. Permit issued on March 29, 2007. Permit expires on March 24, 2008.

14074007. Ameron Construction (2501 N. Atherton Street, State College, PA 16803), construction blasting (Deerhaven Sub-Division) located in Walker Township, **Centre County**. Permit issued on March 29, 2007. Permit expires on March 24, 2008.

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

35074106. Hayduk Enterprises, Inc. (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Summerfield Development in Glenburn Township, **Lackawanna County** with an expiration date of April 30, 2008. Permit issued on March 27, 2007.

45074125. Hayduk Enterprises, Inc. (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Country Club of the Poconos in Middle Smithfield Township, **Monroe County** with an expiration date of June 30, 2008. Permit issued on March 27, 2007.

52074111. Hayduk Enterprises, Inc. (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Hemlock Farms in Porter, Blooming Grove and Dingman Townships, **Pike County** with an expiration date of April 30, 2007. Permit issued on March 27, 2007.

54074101. Austin Powder Company (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Humboldt Lot 61 in East Union Township, **Schuylkill County** with an expiration date of March 22, 2008. Permit issued on March 27, 2007.

22074001. Abel Construction Co., Inc. (P. O. Box 476 Mountville, PA 17554), construction blasting at Kendale Oaks Phase IIA in Lower Paxton Township, **Dauphin County** with an expiration date of March 21, 2008. Permit issued on March 29, 2007.

36074002. Abel Construction Co., Inc. (P. O. Box 476, Mountville, PA 17554), construction blasting at the McGovernville Road Tract in Manheim Township, **Lancaster County** with an expiration date of December 31, 2007. Permit issued on March 29, 2007.

40074002. Mazzuca Enterprises, Inc. (P. O. Box 443, 510 North 14th Street, Pottsville, PA 17901), construction blasting at the Municipality of Hazle Township Southside Area Sewer Project Contract No. 3 in Hazle Township, **Luzerne County** with an expiration date of March 1, 2008. Permit issued on March 29, 2007.

46074002. Explo-Craft, Inc. (P. O. Box 1332, West Chester, PA 19380), construction blasting at the WAWA Site in Limerick Township, **Montgomery County** with an expiration date of December 31, 2007. Permit issued March 29, 2007.

36074131. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for a single dwelling in Clay Township, **Lancaster County** with an expiration date of June 30, 2007. Permit issued on March 29, 2007.

38074105. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for a single dwelling in North Londonderry Township, **Lebanon County** with an expiration date of May 30, 2007. Permit issued on March 29, 2007.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

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

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

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E23-462. Historical and Museum Commission, Baltimore Pike and Ring Road, Chadds Ford, PA 19317, Chadds Ford Township, **Delaware County**, ACOE Philadelphia District.

To construct and maintain a utility line crossing under an existing culvert across a UNT to Harvey Run (WWF, MF). The proposed utility line crossing is required for water supply to an historical site for a sprinkler system in State-owned historical buildings. The site is located at the crossing of Baltimore Pike and Ring Road (Wilmington North, DEL-PA USGS Quadrangle N: 22.10 inches; W: 10.5 inches.

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

E46-1002. Montgomery County Planning Commission, P. O. Box 311, Norristown, PA 19404-0311, Conshohocken Borough, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain a 12-foot wide, paved recreational trail extending approximately 5.7 miles within the 100-year floodplain of Plymouth Creek, and across Lorraine Run, Plymouth Creek, a UNT to Wissahickon Creek and the Wissahickon Creek, associated with the construction of the Montgomery County Cross Trail, which will be constructed in three phases. This permit is associated with Phase I and will begin at the existing Schuylkill River Trail near Elm Street and reach its northern terminus at Fort Washington State Park, near Lafayette Avenue (USGS Quadrangle Norristown, PA starting point N: 14.25 inches; W: 9.00 inches; ending point N: 18.00 inches; W: 12.75 inches). The trail will traverse Conshohocken Borough, Plymouth Township, and Whithemars Township, Montgomery County.

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

E23-465. Rite Aid of PA, Inc., 11750 Bustleton Avenue, Philadelphia, PA 19116, Prospect Park, **Delaware County**, ACOE Philadelphia District.

To modify, operate and maintain an enclosure of a tributary to Darby Creek (WWF, MF), by constructing a

42-foot extension to the downstream end of the existing 72-inch HCMP stream enclosure. Work will include placing approximately 475 cubic yards fill, endwalls and stormwater outfalls. The enclosure extension is associated with the construction of an 11,000 square foot pharmacy and retail store. The site is located at the southeast corner of the intersection of SR 420 and Chester Pike (Lansdowne, PA, Quadrangle N: 7.81 inches; W: 1.34 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

E46-996. New Hanover Township, 2943 Charlotte Street, Gilbertsville, PA 19525-9718, New Hanover Township, **Montgomery County**, ACOE Philadelphia District.

To place fill in 0.02 acre of wetland (PSS) associated with the widening of Dotterer Road adjacent to the proposed Trotter's Gait residential development. This site is located approximately 1,200 feet northwest of the intersection of Dotterer and Layfield Roads (SR 0663) (Sassamansville, PA, USGS Quadrangle N: 10.8 inches; W: 11.4 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

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

E45-480. Pocono Heights Property Owners Club, P. O. Box 520, Marshalls Creek, PA 18335. Middle Smithfield Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a bridge having a single span of approximately 34 feet and an underclearance of approximately 8 feet across Marshalls Creek (HQ-CWF) to serve as an emergency access to Pocono Heights residential community. The project is located on the west side of SR 1007 (Marshalls Creek Road) approximately 0.7 mile north of Wooddale Road (East Stroudsburg, PA Quadrangle N: 12.5 inches; W: 2.0 inches). (Subbasin: 1E)

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

E28-337: Robert L. Johnson, 8597 Path Valley Road, Fort Loudon, PA 17224-9714 in Metal Township, **Franklin County**, ACOE Baltimore District.

To install an 8.0-inch SDR-35 drainpipe from a spring 600.0 feet to an existing culvert to alleviate any groundwater pressure, and to relocate approximately 300.0 feet of stream channel for the construction of a 90.0-foot diameter by 10.0-foot deep agricultural waste storage facility; and to construct and maintain a 15.0-foot wide by 30.0-foot long agricultural crossing, a 15.0-foot wide by 40.0-foot long agricultural crossing, and a 15.0-foot wide by 35.0-foot long agricultural crossing; all impacts are associated with a UNT to Conococheague Creek (CWF). The project is located off of Route 75 South, approximately 4 miles from Fannettsburg (Fannettsburg, PA Quadrangle N: 7.21 inches; W: 15.82 inches; Latitude: 40° 2' 23"; Longitude: 77° 51' 47") in Metal Township, Franklin County.

E36-816: Lancaster Country Club, 1466 New Holland Pike, Lancaster, PA 17601, in Manheim and East Lampeter Townships, **Lancaster County**, ACOE Baltimore District.

To remove and replace an existing 3-span multi-girder steel I-beam bridge and two associated piers from the Conestoga River (WWF) with a 150-foot long, 8-foot wide, single-span prefabricated steel truss bridge with a minimum underclearance of 12.0 feet, and approximately 319 linear-feet of grading along the floodway in the same location on the Lancaster Country Club Golf Course approximately 25 feet downstream of the confluence with Stauffer Run (Lancaster, PA Quadrangle; 40° 03' 42.01" N, 76° 16' 0.31" W; 11.2 inches N, 2.34 inches W), and to install and maintain 20 streambank and channel stabilization structures including rock deflectors, rock vanes and rip-rap placement resulting in 557 linear-feet of stream impacts along a 3,700-foot section of Stauffer Run (WWF) beginning at the confluence with the Conestoga River (Lancaster, PA Quadrangle; 40° 03' 33.31" N, 76° 15' 18.03" W; 10.76 inches N, 0.70 inch W) and ending near Millcross Road (Lancaster, PA Quadrangle; 40° 03' 41.88" N, 76° 15' 59.13" W; 11.19 inches N, 2.30 inches W) in Manheim and East Lampeter Townships, Lancaster County.

E38-150: Triple Crown Corporation, 5351 Jaycee Avenue, Harrisburg, PA 17112 in South Londonderry Township, **Lebanon County**, ACOE Baltimore District.

To: 1) fill and maintain 6,445 square feet of PEM wetland for a road crossing at (Palmyra, PA Quadrangle N: 3.93 inches; W: 12.47 inches; Latitude: 40° 16' 17.88"; Longitude: 76° 35' 21.81"); 2) fill and maintain 1,634 square feet of PEM wetland for a road crossing at (Palmyra, PA Quadrangle N: 4.12 inches; W: 12.24 inches; Latitude: 40° 16' 21.71"; Longitude: 76° 35' 15.84"); 3) fill and maintain 83-feet of stream channel at (Palmyra, PA Quadrangle N: 4.12 inches; W: 12.24 inches; Latitude: 40° 16' 21.71"; Longitude: 76° 35' 15.84"); 4) construct and maintain 60 linear feet of twin 2-foot by 6-foot box culverts for a road crossing at (Palmyra, PA Quadrangle N: 4.71 inches; W: 12.01 inches; Latitude: 40° 16' 33.40"; Longitude: 76° 35' 10.11"); 5) construct and maintain 86 linear feet of 24-inch SBCPP for a road crossing at (Palmyra, PA Quadrangle N: 4.26 inches; W: 11.47 inches; Latitude: 40° 16' 24.37"; Longitude: 76° 34' 55.95"); 6) construct and maintain 121 linear feet of 18-inch SBCPP for a road crossing at (Palmyra, PA Quadrangle N: 3.65 inches; W: 11.25 inches; Latitude: 40° 16' 12.43"; Longitude: 76° 34' 50.29"); 7) construct and maintain 100 linear feet of 24-inch SBCPP for a road crossing at (Palmyra, PA Quadrangle N: 3.72 inches; W: 11.30 inches; Latitude: 40° 16' 13.71"; Longitude: 76° 34' 51.74"); 8) fill and maintain 3,446 square feet of PEM wetland for a road crossing at (Palmyra, PA Quadrangle N: 3.99 inches; W: 9.97 inches; Latitude: 40° 16' 19.12"; Longitude: 76° 34' 17.35"); 9) construct and maintain 101 linear feet of 15-inch SBCPP for a road crossing at (Palmyra, PA Quadrangle N: 3.99 inches; W: 9.97 inches; Latitude: 40° 16' 19.12"; Longitude: 76° 34' 17.35"); and 10) fill and maintain 37 square feet of PEM wetland for a road crossing at (Palmyra, PA Quadrangle N: 4.11 inches; W: 11.41 inches; Latitude: 40° 16' 21.43"; Longitude: 76° 34' 54.38") to facilitate the development of Carriage Park Subdivision. All activities are associated with UNTs to Spring Creek (WWF) and associated wetlands with UNTs to Spring Creek. The project is located off of Route 322 East, onto Schoolhouse Road approximately 0.4 mile on left side (Palmyra, PA Quadrangle N: 4.2 inches; W: 11.9

inches; Latitude: 40° 16' 23"; Longitude: 76° 35' 10") in South Londonderry Township, Lebanon County.

The permittee is required to replace 0.27 acre of replacement wetland, the replacement area is located at the north eastern corner of the subdivision.

E67-797: James Merritts, 33 Deardorff Road, Dillsburg, PA 17019 in Washington Township, **York County**, ACOE Baltimore District.

To construct and maintain a 21-foot by 3-foot by 14-foot open bottom concrete box culvert with endwalls and two 36-inch by 35-inch smoothed-lined plastic pipe culverts which will impact 0.03 acre of palustrine emergent wetlands all in a UNT to the North Branch Bermudian Creek (WWF) (Dillsburg, PA Quadrangle N: 11.7 inches W: 1.4 inches Latitude: 40° 3' 52" Longitude: 77° 0' 36") in Washington Township, York County. The wetland impact is considered de minimis and mitigation is not required.

E67-804: Izaak Walton League of America, York Chapter, 7131 Ironstone Road, Dallastown, PA 17313 in Hopewell and Springfield Townships, **York County**, ACOE Baltimore District.

To construct and maintain a stream restoration project on 4,400 feet of the East Branch Codorus Creek (HQ-CWF), including channel reconstruction, rock and log structures and bank grading for the purpose of correcting the stream pattern and improving streambank stabilization, sediment transport and aquatic habitat. The project follows Line Road through Spring Valley Park (Glen Rock, PA Quadrangle N: 16.2 inches; W: 3.3 inches; Latitude: 39° 50' 21"; Longitude: 76° 38' 53" to N: 17.5 inches, W: 3.9 inches; Latitude: 39° 50' 46"; Longitude: 76° 39' 12") in North Hopewell and Springfield Townships, York County. No wetland impacts are proposed.

E22-510: Trout Unlimited, Doc Fritchey Chapter, 2319 Valley Road, Harrisburg, PA 17104 in Swatara Township, **Dauphin County**, ACOE Baltimore District.

To construct and maintain a stream restoration project on 2,200 feet of Spring Creek (CWF), including rock and log structures and bank grading for the purpose of correcting the stream pattern and improving streambank stabilization, sediment transport and aquatic habitat. The project is located just downstream of the Route 441 (Harrisburg East, PA Quadrangle N: 0.25 inch; W: 12.2 inches; Latitude: 40° 15' 5"; Longitude: 76° 50' 14" to N: 0.3 inch, W: 13.1 inches; Latitude: 40° 15' 6"; Longitude: 76° 50' 39") in Swatara Township, Dauphin County. No wetland impacts are proposed.

E38-149: South Londonderry Township, 20 W. Market Street, P. O. Box 3, Campbelltown, PA 17010-0003 in South Londonderry and South Annville Townships, **Lebanon County**, ACOE Baltimore.

To replace the existing 22.0-foot long, 8.0-foot by 4.0-foot box culvert with a 38.0-foot long, 12.0-foot by 5.0-foot box culvert depressed 6 inches into the streambed of Killinger Creek (TSF), located at a site in South Annville and South Londonderry Township, Lebanon County (Palmyra, PA Quadrangle Latitude: 40° 17' 23"; Longitude: 76° 33' 41.5", N: 8.60 inches, W: 7.15 inches).

E06-606: 84 Lumber Company, 1019 Route 519, Building 5, Eighty Four, PA 15330 in Douglass Township, **Berks County**, ACOE Philadelphia District.

To construct a new 12,000-square foot sales, office and storage building, a parking lot, a storage shed and a detention pond resulting in approximately 0.1 acre of

forested wetlands impact, which will be replaced onsite (Boyertown, PA Quadrangle; Latitude: 40° 15' 10", Longitude: 75° 42' 58"; N: 0.5 inch; W: 12.8 inches).

E21-390: Department of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103-1699 in Lower Allen Township, **Cumberland County**, ACOE Baltimore District.

To extend the downstream side of a 10-foot wide by 6-foot high box culvert by 28.25-feet to have a total length of 75.75-feet within a UNT to Cedar Run (CWF) located approximately 125-feet east of the intersection of Hartzdale Drive and SR 2025 (Slate Hill Road) on Hartzdale Drive (Lemoyne, PA Quadrangle, Latitude: 40° 12' 43", Longitude: 76° 56' 40" North: 15.8 inches; West: 9.8 inches) in Lower Allen Township, Cumberland County.

E44-127: Derry Township Sanitary Sewer Authority, 15 West Mill Street, P. O. Box 465, Yeagertown, PA 17090 in Derry Township, **Mifflin County**, ACOE Baltimore District.

To construct and maintain 34,425 linear feet of 8-inch gravity sewer; 7,560 linear feet of 10-inch gravity sewer; 12,925 linear feet of 12-inch gravity sewer; 900 linear feet of low pressure sewer; 6,600 linear feet of 8-inch force main sewer; and 5,700 linear feet of 10-inch force main sewer in Derry Township, Mifflin County, involving:

1. Two crossings of Jacks Creek (TSF) impacts: a.) 56-feet of 10-inch D.I. force main (Latitude: 40° 36' 48"; Longitude: 77° 31' 55"); and b.) 69 feet of 12-inch PVC (Latitude: 40° 37' 55"; Longitude: 77° 30' 19"); and

2. Twenty-three trench crossings of UNTs to Jacks Creek: a.) 10 feet of 12-inch PVC (Latitude: 40° 37' 00"; Longitude: 77° 31' 36"); b.) 3 feet of 10-inch PVC (Latitude: 40° 37' 52"; Longitude: 77° 30' 05"); c.) 3 feet of 10-inch PVC (Latitude: 40° 37' 55"; Longitude: 77° 29' 55"); d.) 5 feet of 10-inch PVC (Latitude: 40° 37' 56"; Longitude: 77° 29' 50"); e.) placing an 8-inch PVC below a 24-inch RCP (Latitude: 40° 37' 49"; Longitude: 77° 29' 47"); f.) 8 feet of 12-inch PVC and 8-inch D.I. (Latitude: 40° 37' 34"; Longitude: 77° 30' 39"); g.) placing an 8-inch CMP storm pipe (Latitude: 40° 37' 32"; Longitude: 77° 30' 43"); h.) 4.5 feet of 8-inch D.I. force main (Latitude: 40° 37' 17"; Longitude: 77° 31' 07"); i.) placing an 8-inch D.I. force main under an existing 30-inch CMP storm pipe (Latitude: 40° 37' 08"; Longitude: 77° 31' 23"); j.) 10 feet of 12-inch PVC (Latitude: 40° 37' 54"; Longitude: 77° 30' 17"); k.) 16 feet of 12-inch PVC (Latitude: 40° 37' 56"; Longitude: 77° 30' 22"); l.) 32 feet of 12-inch PVC (Latitude: 40° 38' 00"; Longitude: 77° 30' 23"); m.) placing 12-inch PVC below an existing 24-inch CCP storm pipe (Latitude: 40° 38' 11"; Longitude: 77° 30' 30"); n.) 12 feet of 12-inch PVC encased in 22-inch steel casing pipe (Latitude: 40° 38' 18"; Longitude: 77° 30' 27"); o.) 8 feet of 12-inch PVC (Latitude: 40° 38' 16"; Longitude: 77° 30' 26"); p.) 120 feet of 12-inch PVC encased in 22-inch steel casing pipe (Latitude: 40° 38' 24"; Longitude: 77° 30' 21"); q.) 10 feet of 10-inch PVC (Latitude: 40° 38' 24"; Longitude: 77° 30' 18"); r.) placing an 8-inch PVC over an existing 18-inch CCP storm pipe (Latitude: 40° 38' 42"; Longitude: 77° 29' 25"); s.) 6 feet of 8-inch PVC (Latitude: 40° 38' 10"; Longitude: 77° 30' 48"); t.) 3.5 feet of 8-inch PVC (Latitude: 40° 38' 06"; Longitude: 77° 30' 57"); u.) 3 feet of 8-inch PVC (Latitude: 40° 38' 03"; Longitude: 77° 31' 02"); v.) 3 feet of 8-inch PVC (Latitude: 40° 37' 55"; Longitude: 77° 31' 17"); and w.) 3 feet of 8-inch PVC (Latitude: 40° 37' 55"; Longitude: 77° 31' 23").

3. Two crossings of Exceptional Value PEM wetlands located on the floodplains of UNTs to Jacks Creek

resulting in 0.11 acre of temporary wetland impacts: a) 135-foot by 20-foot (Latitude: 40° 38' 18.7"; Longitude: 77° 30' 25.4") and b) 95-foot by 20-foot (Latitude: 40° 38' 16.9"; Longitude: 77° 30' 32.6"); and

4. Less than 0.01 acre of permanent impacts to Exceptional Value PEM wetlands located on the floodplain of a UNT to Jacks Creek (Latitude: 40° 38' 18.7"; Longitude: 77° 30' 25.4"); and

The amount of permanent wetland impact is considered de minimis and wetland replacement is not required.

E67-812: Izaak Walton League of America, York County Chapter 67, 7131 Ironstone Hill Road, Dalastown, PA 17313, Codorus and Springfield Townships, **York County**, ACOE Baltimore District.

To construct and maintain a stream restoration project on 3,210 feet of the South Branch Codorus Creek (WWF), 50-feet of a UNT to the South Branch Codorus Creek (WWF) and 789-feet of Cherry Run (WWF) including channel reconstruction, rock and log structures and bank grading for the purpose of correcting the stream pattern and improving streambank stabilization, sediment transport and aquatic habitat. The project follows Route 616 from Granary Road to Larue Road (Seven Valleys, PA Quadrangle N: 13.8 inches; W: 2.0 inches; Latitude: 39° 49' 34", Longitude: 76° 45' 51" to N: 12.8 inches, W: 1.5 inches; Latitude: 39° 49' 14"; Longitude: 76° 45' 38") in Codorus and Springfield Townships, York County. No wetland impacts are proposed.

E07-392: Blair Township, 575 Cedarcrest Drive, Duncansville, PA 16635, Blair Township, **Blair County**, ACOE Baltimore District.

To construct and maintain live stakes and cuttings, riprap and removing gravel deposits along the channel and streambanks of Beaverdam Branch of Frankstown Branch Juniata River in order to restore the streambank erosion and channel capacity located at a point about 1,000 feet upstream of Allegheny Street and continuing upstream along Plank Road bridge for a total length of about 5,000 feet (Hollidaysburg, PA Quadrangle N: 9.9 inches; W: 3.5 inches; Latitude: 40° 25' 46"; Longitude: 78° 24' 01" and N: 10.52 inches; W: 5.7 inches; Latitude: 40° 25' 59"; Longitude: 78° 24' 57") in Blair Township, Blair County.

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

E02-1545. South Fayette Conservation Group, 515 Millers Run Road, Morgan, PA 15064. To restore Fishing Run in South Fayette Township, **Allegheny County**, Pittsburgh ACOE District (Canonsburg, PA Quadrangle N: 19.5"; W: 8.7" and Latitude: 40° 21' 27"; Longitude: 80° 11' 15"). To reconstruct, relocate and maintain approximately 1,277 feet of Fishing Run (WWF) and 55 feet of a UNT to Fishing Run (WWF), in conjunction with reclaiming an abandoned mine site. The project will affect a de minimis amount of wetland (0.04 acre, PEM) and approximately 1,940 feet of watercourse, of which approximately 910 feet is currently enclosed within existing culvert pipes. The project is located approximately 6,000 feet upstream from the confluence of Fishing Run and Millers Run.

E65-902. Municipal Sanitary Authority of the City of New Kensington, 120 Logans Ferry Road, New Kensington, PA 15068-2046. To construct additions and modifications to the Wastewater Treatment Plant in the City of New Kensington, **Westmoreland County**, Pittsburgh ACOE District. (New Kensington, PA Quadrangle N: 9.53 inches; W: 1.39 inches and Latitude: 40° 33' 09", Longitude: 70° 45' 36"). To construct and maintain additions to the Headworks and Blower Building Project at the Wastewater Treatment Plant in the 100-year floodplain of the Little Pucketa and Pucketa Creeks (TSF). The project includes construction of stormwater outlet structures in said streams.

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

E20-544. Robert E. Thompson, Chairperson, Beaver Township Supervisors, 3298 Parker Road, Springboro, PA 16435. T-338 Maples Road Bridge Replacement, in Beaver Township, **Crawford County**, ACOE Pittsburgh District (Beaver Center, PA Quadrangle N: 5.3 inches; W: 10.0 inches).

The applicant proposes to remove the existing bridge and to construct and maintain a stream crossing on T-338 (Maples Road) consisting of three HDPE plastic culvert pipes having a diameter of 4 feet and a length of 30 feet in the East Branch of Conneaut Creek approximately 1.1 mile N of the intersection of SR 198 and T-338 (Maples Road). Project includes wingwalls consisting of 2 foot by 2 foot by 6 foot concrete blocks and removal of a gravel deposit/channel realignment having a length of approximately 50 feet. The existing structure was severely deteriorated and the proposed crossing has already been constructed under Emergency Permit No. EP2005605. East Branch of Conneaut Creek is a perennial stream classified as a CWF and a MF. The project proposes to directly impact approximately 100 feet of stream.

E25-708. Jordan M. Florida, 14970 Willey Road, Waterford, PA 16441-3754. Florida Bridge, in LeBouef Township, **Erie County**, ACOE Pittsburgh District (Waterford, PA Quadrangle N: 1.4 inches; W: 7.5 inches).

The applicant proposes to construct and maintain a steel beam bridge having a clear span of approximately 30 feet and an underclearance of approximately 7 feet across Colt Run adjacent to Willey Road, approximately 0.2 mile NW of the intersection of SR 6 and Willey Road for access to a private residence. Colt Run is a perennial stream classified as a WWF. The project proposes to directly impact approximately 30 feet of stream.

E43-337. Dominion Peoples, 5600 Community Center Drive, Gibsonia, PA 15044. Kimberly Drive Pipeline Installation. Liberty Township, **Mercer County**, ACOE Pittsburgh District. (Grove City Quadrangle, N: 41° 08' 03"; W: 80° 05' 48")

To install, operate and maintain an 875 feet of four-inch plastic pipe for a gas utility line by directional drilling under a wetland (PFO1C). Earth disturbance will be minimal (<0.02 acre) and outside of the wetland area. The line will run from North Liberty Drive to Kimberly Drive north of Brian Way. Installation of this structure was authorized by DEP Emergency Permit No. EP4306603 issued on October 31, 2006.

SPECIAL NOTICES

DEPARTMENT OF ENVIRONMENTAL PROTECTION***Notice of Certification to Perform Radon-Related Activities in Pennsylvania***

In the month of March 2007 the Department of Environmental Protection, under the authority contained in the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed 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, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
James F. Andrews	353 Loveville Road Warriors Mark, PA 16877	Mitigation
Kenneth Berninger	134 Shaffer Street Duboistown, PA 17702	Testing
Anthony Bognanni	26 Franek Lane Mill Hall, PA 17751	Testing
George Brown, Jr.	117 Deerbrook Lane Centre Hall, PA 16828	Testing
James Budzeak	9609 Meadow Road Allison Park, PA 15101	Mitigation
Jeffrey Calta	106 Vensel Lane P. O. Box T Chicora, PA 16025	Mitigation
Keith Carpenter	124 Old Colony Drive Johnstown, PA 15904	Testing
Matthew Cooper	1277 Miller Road Athens, PA 18810	Testing
James DeBouno	232 Kings Highway East Haddonfield, NJ 08033	Testing
Curt DeWolf	1261 Surrey Road West Chester, PA 19382	Testing
Paul Doering	746 Mancill Road Suite 200 Wayne, PA 19087	Testing
Scott Earley	19 Sunset Avenue Honesdale, PA 18431	Testing
Jamey Gelina Air Quality Control Agency	6539 Westland Way Suite 14 Lansing, MI 48917	Mitigation
Scott Hagan	78 Hamilton Drive Abbottstown, PA 17301	Testing
James Hetrick	766 Magaro Road Enola, PA 17025	Mitigation
Robert Hoffman	943 High Street P. O. Box 91 Akron, PA 17501	Mitigation
Ludwig Kubli, Jr.	1090 Acrie Drive North Huntingdon, PA 15642	Testing
Edward Lampl	9 Forbes Terrace Pittsburgh, PA 15217	Testing
Thomas Laurito	6006 Forest Drive Monaca, PA 15061	Testing
Daniel McGaffin	1218 Arrowwood Drive Pittsburgh, PA 15243	Testing
Jon Melvin	1024 Ledgeview Lane West Pittston, PA 18463	Testing
Stephanie Myers Hillmann Environmental Group, LLC	1600 Route 22 East Union, NJ 07083	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Tuan Nguyen American Radon Solutions	125 Brindle Road Mechanicsburg, PA 17055	Mitigation
Michael Nowicki	211 Trotwood Drive Pittsburgh, PA 15241	Mitigation
Michele Raab Home Star Inspection Services, Inc.	1234 Herbert Road Meadowbrook, PA 19046	Testing
Garrett Ray EMSL Analytical, Inc.	107 Haddon Avenue Westmont, NJ 08108	Laboratory
Keith Rutherford	5701 Cricket Lane Harrisburg, PA 17112	Testing
Brendan Ryan Envirocare of S.W. PA	216 Logan Road Valencia, PA 16059	Mitigation
Sam Sain	248 East Lake Road Acme, PA 15610	Testing
Harel Schwartz	2075 Haymaker Road Monroeville, PA 15146	Testing
James Stever	1621 Limekiln Pike Dresher, PA 19025	Mitigation
Douglas Stone	P. O. Box 1582 Bethlehem, PA 18016	Testing
Peter Weber	6 Boor Cove Lane West Grove, PA 19390	Testing
William Weitzel	176 West Pomfret Street Carlisle, PA 17013	Testing
Chris Willig	4 Theresa Drive Conestoga, PA 17516	Testing
Joe Wruble	321 North Fifth Street Reynoldsville, PA 15851	Testing

Consent Agreement

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

Duquesne Light v. Commonwealth of Pennsylvania EHB Doc. No. 2004-121; Elrama Ash Disposal Site-Union Township, Washington County.

The Department of Environmental Protection (Department) and Duquesne Light have agreed to a settlement of the case and signed a Consent Order and Agreement, resolving Duquesne Lights appeal from issuance of NPDES Permit PA0098124 issued May 6, 2004, and effective June 1, 2004. Duquesne Light owns the Elrama Ash Disposal Site, a closed ash disposal landfill in Union Township, Washington County, PA. NPDES Permit PA0098124 authorizes the discharges of leachate and storm water from Outfalls 001—005.

The substantive provisions of the settlement are:

1. Duquesne Light shall submit a renewal application to renew the NPDES Permit and a Water Quality Management Part II Permit application at least 180 days before permit expiration. The renewal application shall:

- Identify discharge locations to the Monongahela River where BAT limits would apply
- Identify treatment technology consistent with BAT;
- Include plan and schedule to install treatment technology consistent with BAT and to relocate the discharge;

d) The schedule shall provide at least 1 year and no more than 3 years from issuance of all necessary permits.

2. Until such time as the Department renews the NPDES Permit, Duquesne Light shall comply with the interim effluent limitations contained in the NPDES Permit. The final limits shall not become effective.

3. Duquesne Light shall withdraw its pending Part II Permit application and its Erosion and Sedimentation Control Plan.

4. Duquesne Light shall withdraw its appeal within 10 days of the Effective Date of this Consent Order and Agreement.

5. The Consent Order and Agreement shall become effective upon the close of the comment period of this notice, if no comments are received; or, if comments are received, when the Department determines that no changes to the Consent Order and Agreement will be made.

Copies of the Consent Order and Agreement are in the hands of David Rockman, Eckert Seamans Cherin & Mellon, LLC U.S. Steel Tower, 600 Grant Street, 44th Floor, Pittsburgh, PA 15219 and Zeldia Curtiss, Assistant Counsel, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222.

[Pa.B. Doc. No. 07-643. Filed for public inspection April 13, 2007, 9:00 a.m.]

Alternative Fuels Incentive Program; Program Opportunity Notice

The Department of Environmental Protection (Department) announces an opportunity to apply for grants under the Alternative Fuels Incentive Program to expand the production and use of alternative transportation fuels such as biodiesel and E85 ethanol, which is an alternative fuel comprised of 85% ethanol and 15% gasoline.

Grant funds awarded under the Alternative Fuels Incentive Program can be used to cover the added cost to purchase E85 or biodiesel. Eligible applicants include tax-exempt entities such as school districts, local government agencies, transit authorities, colleges and universities and nonprofit entities. Eligible applicants requesting funding for the purchase of biodiesel or E85 may be eligible for funding to install refueling equipment. Commonwealth producers of biodiesel or ethanol used in E85 are eligible for a reimbursement of \$.05 a gallon for up to 12.5 million gallons covering a 12-month period. The Department may consider projects that incorporate a "new application" or "next phase technology" in the production of biofuels such as biodiesel and ethanol for use as a motor vehicle fuel. Project costs cannot be incurred before the submittal of an application during the grant open opportunity time period.

The application package including general information, instructions and application forms is available by contacting Department of Environmental Protection, Office of Energy and Technology Deployment, 15th Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8772, Harrisburg, PA 17105-8772, (717) 783-8411. The application package is also available electronically on the Department's website at www.depweb.state.pa.us (DEP Keywords: Alternative Fuels). Applications must be postmarked or received by 4 p.m. on June 15, 2007. Faxes will not be accepted. Use staples only, no binding or cover pages.

Note that the Department's Energy Harvest Grant Program and the Pennsylvania Energy Development Authority Grant Program (PEDA) will be open at the same time (see 37 Pa.B. 1740 and 37 Pa.B. 1750, respectively).

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 07-644. Filed for public inspection April 13, 2007, 9:00 a.m.]

Bid Opportunities

BOGM 07-4, Cleaning Out and Plugging 20 Abandoned and Orphan Oil Wells, (Cubbon and Associates, Grandview Estates and The Pennsylvania Historical and Museum Commission Properties), Cornplanter Township, Venango County. The principal items of work include cleaning out and plugging 20 abandoned and orphan oil wells, estimated to be between 600—1,020 feet in depth, to Department specifications, preparing and restoring well sites and mobilizing and demobilizing plugging equipment. This project issues on April 13, 2007, and bids will be opened on May 17, 2007, at 2 p.m. Bid documents cost \$10 per set and will not be

mailed until payment has been received. A prebid conference is planned for this project but a date has not been set. Contact the Construction Contracts Section at (717) 787-7820, joelmiller@state.pa.us for more information on this bid.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 07-645. Filed for public inspection April 13, 2007, 9:00 a.m.]

Bid Opportunities

OSM 03(3498)101.1, Abandoned Mine Reclamation Project, Charlestown Southwest, Redbank Township, Armstrong County. The principal items of work and approximate quantities include Implementation of the Erosion and Sediment Pollution Control Plan, 83,000 cubic yards of Grading and 14 acres of Seeding. This project issues on April 13, 2007, and bids will be opened on May 15, 2007, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal Government under the authority given it by Pub.L. No. 95-87 dated August 3, 1977, The Surface Mining Control Act of 1977, and is subject to that law and to the Federal Grant for this project. Contact the Construction Contracts Section at (717) 787-7820, joelmiller@state.pa.us for more information on this bid.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 07-646. Filed for public inspection April 13, 2007, 9:00 a.m.]

Bid Opportunities

OSM 10(2922)101.1, Abandoned Mine Reclamation Project, Coaltown South, Cherry Township, Butler County. The principal items of work and approximate quantities include 114,260 cubic yards of Grading, Pond Construction, 2,905 cubic yards of Impervious Soil Material, 525 linear feet of Subsurface Drain, 540 cubic yards of Channel Excavation, 500 square yards of Rock Lining with Filter Material and 12 acres of Seeding. This project issues on April 13, 2007, and bids will be opened on May 15, 2007, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal Government under the authority given it by Pub.L. No. 95-87 dated August 3, 1977, The Surface Mining Control Act of 1977 and is subject to that law and to the Federal Grant for this project. Contact the Construction Contracts Section at (717) 787-7820, joelmiller@state.pa.us for more information on this bid.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 07-647. Filed for public inspection April 13, 2007, 9:00 a.m.]

Bid Opportunities

OSM 10(7000)101.1, Abandoned Mine Reclamation Project, Eau Claire Southeast, Allegheny Township, Butler County. The principal items of work and approximate quantities include 165,790 cubic yards of Grading, 173 cubic yards of Permanent Channel Excavation, 472 square yards of Permanent Channel TRM Lining, 104 linear feet of Pipe Culvert (12") and 11.25 acres of Seeding. This project issues on April 13, 2007, and bids will be opened on May 15, 2007, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal Government under the authority given it by Pub. L. No. 95-87 dated August 3, 1977, The Surface Mining Control Act of 1977, and is subject to that law and to the Federal Grant for this project. Contact the Construction Contracts Section at (717) 787-7820, joelmiller@state.pa.us for more information on this bid.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 07-648. Filed for public inspection April 13, 2007, 9:00 a.m.]

Bid Opportunities

OSM 17(6456)101.1, Abandoned Mine Reclamation, Sanbourn East, Woodward Township, Clearfield County. The principal items of work and approximate quantities include 650 linear foot of Rock Underdrain, 15,851 cubic yards of Grading and 3.6 acres of Seeding. This project issues on April 13, 2007, and bids will be opened on May 17, 2007, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal Government under the authority given it by Pub. L. No. 95-87 dated August 3, 1977, The Surface Mining Control Act of 1977, and is subject to that law and to the Federal Grant for this project. Contact the Construction Contracts Section at (717) 787-7820, joelmiller@state.pa.us for more information on this bid.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 07-649. Filed for public inspection April 13, 2007, 9:00 a.m.]

Bid Opportunities

OSM 29(0280)102.1, Abandoned Mine Reclamation Project, Alvan (Great Trough Creek), Broad Top Township, Bedford County and Wells Township, Fulton County. The principal items of work and approximate quantities include 538,800 cubic yards of Grading, 415 cubic yards of Spillway and Channel Excavation, 190 square yards of Rock Lining, Dewatering Impoundments, 8,155 Trees and 55 acres of Seeding. This project issues on April 13, 2007, and bids will be opened on May 10, 2007, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal Government under the authority given it by Pub. L. No. 95-87 dated August 3, 1977, The Surface Mining Control Act of 1977, and is subject to that law and to the Federal Grant for this

project. Contact the Construction Contracts Section at (717) 787-7820, joelmiller@state.pa.us for more information on this bid.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 07-650. Filed for public inspection April 13, 2007, 9:00 a.m.]

Bid Opportunities

OSM 54(3046)101.1, Abandoned Mine Reclamation Project, Green Mountain South, East Union Township, Schuylkill County. The principal items of work and approximate quantities include 1,427,670 cubic yards of Grading, 13,490 cubic yards of Drainage Excavation, 12,090 square yards of Rock Lining, 1,920 square yards of Impervious Lining (PVC) and 109 acres of Seeding. This project issues on April 13, 2007, and bids will be opened on May 10, 2007, 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, joelmiller@state.pa.us for more information on this bid.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 07-651. Filed for public inspection April 13, 2007, 9:00 a.m.]

Delaware Regional Water Resources Committee; Meeting Change

The Delaware Regional Water Resources Committee (Committee) will convene on an alternate date and location than was previously advertised in the *Pennsylvania Bulletin*. The meeting will now be held on Friday, May 11, 2007, at 9:30 a.m. at the Wissahickon Valley Watershed Association, 12 Morris Road, Ambler, PA 19002.

Questions concerning the May 11, 2007, meeting of the Committee should be directed to Leslie Sarvis at (717) 772-5634 or lsarvis@state.pa.us. The agenda and meeting materials for the meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at www.depweb.state.pa.us (DEP Keywords: Public Participation, Participate).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 783-6118 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 07-652. Filed for public inspection April 13, 2007, 9:00 a.m.]

Pennsylvania Energy Harvest Grant Program Applications

The Department of Environmental Protection (Department) announces the availability of approximately \$5 million in the 5th year of the Commonwealth's Energy Harvest Grant Program for innovative energy deployment projects addressing the concerns of air quality protection or improvement and watershed protection or improvement.

Grants will fund projects that promote awareness and build markets for cleaner or renewable energy technologies. Proposals should manage this Commonwealth's energy resources in a way that also improves the environment, supports economic development and enhances quality of life.

Eligible proposals include: renewable energy deployment, including biomass energy; waste coal reclamation for energy; deployment of innovative energy efficiency technologies; and distributed generation projects.

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

Applications must be postmarked or received by 4 p.m. on June 15, 2007. Faxes will not be accepted. Use staples only, no binding or cover pages.

Note that the Department's Alternative Fuels Incentive Program and the Department's Pennsylvania Energy Development Authority Grant Program will be opened at the same time (see 37 Pa.B. 1738, and 37 Pa.B. 1750, respectively).

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 07-653. Filed for public inspection April 13, 2007, 9:00 a.m.]

Small Business Compliance Advisory Committee; Meeting Cancellation

The Small Business Compliance Advisory Committee (Committee) meeting scheduled for Wednesday, April 25, 2007, has been cancelled. The meeting of the Committee is scheduled for Wednesday, July 25, 2007, at 10 a.m. in the 12th floor conference room of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the July 25, 2007, meeting of the Committee should be directed to Ted Laubach at (717) 772-2333, glaubachstate.pa.us. The agenda and meeting materials for the July 25, 2007, meeting will be available on the Department's website at www.depweb.state.pa.us (DEP Keywords: Public Participation, Participate).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 772-2333 or through the

Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 07-654. Filed for public inspection April 13, 2007, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Alle-Kiski Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Alle-Kiski Medical Center has requested an exception to the requirements of 28 Pa. Code § 101.31(7) (relating to hospital requirements).

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

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

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

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

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

[Pa.B. Doc. No. 07-655. Filed for public inspection April 13, 2007, 9:00 a.m.]

Application of Grove City Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Grove City Medical Center has requested an exception to the requirements of 28 Pa. Code § 123.25(2) (relating to regulations for control of anesthetic explosion hazards).

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

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

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

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

[Pa.B. Doc. No. 07-656. Filed for public inspection April 13, 2007, 9:00 a.m.]

Application of Jefferson Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Jefferson Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 127.32 (relating to written orders).

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

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

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

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

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

[Pa.B. Doc. No. 07-657. Filed for public inspection April 13, 2007, 9:00 a.m.]

Application of Lehigh Valley Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lehigh Valley Hospital has requested an exception to the requirements of 28 Pa. Code § 123.25(2) (relating to regulations for control of anesthetic explosion hazards).

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

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

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

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

[Pa.B. Doc. No. 07-658. Filed for public inspection April 13, 2007, 9:00 a.m.]

Application of Main Line Hospitals—Paoli for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Main Line Hospitals—Paoli has requested an exception to the requirements of 28 Pa. Code § 101.31(7) (relating to hospital requirements).

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

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

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

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

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

[Pa.B. Doc. No. 07-659. Filed for public inspection April 13, 2007, 9:00 a.m.]

Application of Meadville Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Meadville Medical Center has requested an exception to the requirements of 28 Pa. Code § 123.25(2) (relating to regulations for control of anesthetic explosion hazards).

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

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

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

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

[Pa.B. Doc. No. 07-660. Filed for public inspection April 13, 2007, 9:00 a.m.]

Application of St. Clair Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that St. Clair Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: 2006 *Guidelines for Design and Construction of Health Care Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 5.1.3.7(1)(d)(i) and (ii), 5.1.3.7(b), 5.1.3.7(1)(a), (b), (c), (d)(i), (d)(ii) and (e) and 5.1.7.7(1)(e) (relating to treatment cubicles).

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

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

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

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

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

[Pa.B. Doc. No. 07-661. Filed for public inspection April 13, 2007, 9:00 a.m.]

Application of Somerset Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Somerset Hospital has requested an exception to the requirements of 28 Pa. Code § 137.21(5) (relating to policies and procedures).

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

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

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

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

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

[Pa.B. Doc. No. 07-662. Filed for public inspection April 13, 2007, 9:00 a.m.]

Application of UPMC Passavant Cranberry for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Passavant Cranberry has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: 2006 *Guidelines for Design and Construction of Health Care Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 5.3.3.3(4), 5.3.3.3(1), 5.3.3.3(4)(b)(i), 5.3.3.3(4)(b)(ii) (relating to Phase II recovery) and Table 2.1-5 (relating station outlets for oxygen, vacuum and medical air systems).

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

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

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

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

accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT (717) 783-6154 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 07-663. Filed for public inspection April 13, 2007, 9:00 a.m.]

Application of UPMC Presbyterian Shadyside for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Presbyterian Shadyside has requested an exception to the requirements of 28 Pa. Code § 123.25(2) (relating to regulations to control of anesthetic explosion hazards).

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

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

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

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

[Pa.B. Doc. No. 07-664. Filed for public inspection April 13, 2007, 9:00 a.m.]

Availability of Title V Funds through Mini-Grants to Support Elimination of Barriers to Community Inclusion for Children and Youth with Special Health Care Needs

The Bureau of Family Health (Bureau) is accepting mini-grant applications up to \$3,000 related to eliminating barriers to inclusion of children and youth with special health care needs in Pennsylvania communities. These mini-grants are called the Barrier Elimination (BE) Project mini-grants. BE mini-grants are available to support activities which directly address physical, environmental and informational barriers allowing community organizations, businesses, places of worship and schools to be more inclusive of children with special health care needs. This project is an extension of the Bureau of Family Health's Building Inclusive Communities for Children/Youth With Special Health Care Needs Mini-grant Initiative (BIC) which offers financial support for educational endeavors addressing community inclusion. BE Project funds will be used to advance this work by financially supporting the elimination of tangible barriers to inclusion.

For purposes of this funding opportunity, "children with special health care needs" are defined as those aged birth to 21 years who have or are at risk of developing a chronic physical, developmental, behavioral or emotional condition requiring services of a type or amount beyond that required by children generally.

The degree to which communities are healthy can be partly gauged by the degree to which children/youth with special health care needs are provided a full complement of services, civic engagement and social interaction. The BE Project is designed to empower communities by providing financial support for activities that either remove or significantly reduce obstacles that children and youth with special health care needs and their families confront as they seek to participate fully and productively in their communities. These include barriers to self-care, activities of daily living, receptive/expressive communication, learning, mobility, access to service, recreation, academics, spiritual practice, volunteerism, hobby exploration, employment, voting and economic self-sufficiency. The ultimate goal of the project is to build social capital by assisting communities to be fully accessible and inclusive and, consequently, allow for the full integration of Pennsylvania's children with special health care needs in all aspects of community life. Project funds must be used to reimburse purchases and activities occurring prior to June 30, 2008.

Eligible applicants are Pennsylvania public and private organizations, foundations or community-based agencies as recognized by Federal Tax ID number. Individuals may not apply. Informal groups without Federal Tax ID numbers are encouraged to partner with a sponsor organization who may apply on behalf of the group. For-profit organizations may apply; however, no applicant may take a profit from these funds.

Applicants may include:

- Day care centers and child care providers.
- Medical/Dental providers.
- Educational providers.
- Youth groups.
- Community planners.
- Places of worship/congregations.
- Community groups/Civic clubs.
- Entertainment/Recreation/Play providers.
- Potential employers/businesses.
- Professional associations/organizations.
- Libraries.
- Voting/Polling providers.
- Travel/tourism providers.
- Park/Forest/Camp ground staff.
- Bankers/Lenders.
- Retailers.
- Minority groups.

Funding decisions are contingent upon the availability of Fiscal Year 2007-2008 funds and Department approval by means of a proposal review panel. The approval will be based upon a common set of pre-established criteria. The applications are scored in three categories worth a maximum of 10 points per category with a total maximum of 30 points;

1. Justification of the need for the elimination of the proposed barrier to advance inclusion of young people with special needs, and the number of children and young people with special needs who will ultimately benefit.

2. Likelihood that the proposed activities will be of on-going systemic benefit to the community.

3. Reasonableness of the proposed expenditures as it relates to the number of young people with special needs who will ultimately benefit.

Applicants will be notified of approval/disapproval in writing within 30 days of receipt of a completed application. Applicants not selected for funding will be notified and may revise their application once to conform to the guidelines for reconsideration. It is anticipated that 33 to 36 awards of \$3,000 or less will be made for this fiscal year period. Grantees must spend their own funds first and then be reimbursed by the Department of Health (Department).

Applicants may apply for funding for reimbursement of multiple purchases or activities. However, the maximum cumulative award to any one applicant (as identified by Federal Tax ID number) is \$3,000 per fiscal year or for any one purchase when combined with any other funding received through the Bureau of Family Health's Building Inclusive Communities (BIC) for Children/Youth With Special Health Care Needs Mini-grant Initiative. Department funds should be used as payer of last resort. Grant funds may not supplant existing funds. Grant funds may be used for reimbursement of one time purchases only. The grantee is the sole owner of the purchased property. Eligible expenses fall within the following categories: Equipment, Assistive Technology/Communication Devices, Site/Facility Improvements, Environment/Curriculum and Technology, as described in the application materials. Three deadlines have been set: August 2, 2007, with awards made known by October 1, 2007; November 1, 2007, with awards made known by January 1, 2008; and January 16, 2008, with awards made known by March 1, 2008. Applications will only be accepted if funds have not been fully awarded for the fiscal year. Before applying, check the Department of Health's website (www.health.state.pa.us, search word: mini-grant) to see if funding is still available.

To apply for funding, download application materials from the Department website, by visiting www.health.state.pa.us (search word: mini-grant). Seven copies of a complete application must be received by the Department no later than 4:30 p.m. on the dates identified previously. Applications may be mailed or hand delivered. Applications may not be faxed. Late applications will not be accepted regardless of the reason. This is a reimbursement program. Grantees must spend their own funds first and then be reimbursed by the Department.

Application materials can be downloaded from the Department's website: www.health.state.pa.us (Search: mini-grant). Individuals can also request application materials or additional information related to this initiative by contacting Cindy Findley. Persons with a disability who require an alternative format of this notice or application materials (for example, large print, audiotope, Braille) should contact Cindy Findley, Bureau of Family Health, Division of Community Systems Development and Outreach, 7th Floor East, Health and Welfare Building,

Harrisburg, PA 17120, (717) 772-2763, cfindley@state.pa.us or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 634-5984 (TT).

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

[Pa.B. Doc. No. 07-665. Filed for public inspection April 13, 2007, 9:00 a.m.]

Availability of Title V Funds through Mini-Grants to Support Presentations About Building Inclusive Communities for Children and Youth with Special Health Care Needs

The Bureau of Family Health (Bureau) is accepting mini-grant applications up to \$3,000, to promote the building of inclusive communities. These mini-grants are called the Building Inclusive Communities (BIC) mini-grants. BIC mini-grants are available to support innovative, interactive educational events (i.e., presentations, conference sessions, skits, trainings, forums, work shops, and the like) that will enhance community resources to promote inclusion of children and youth with special health care needs into every day activities.

For purposes of this funding opportunity, "children and youth with special health care needs" are defined as those aged birth to 21 years who have or are at risk of developing a chronic physical, developmental, behavioral or emotional condition requiring services of a type or amount beyond that required by children generally.

The degree to which communities are healthy can be partly gauged by the degree to which children/youth with special health care needs are provided a full complement of services, civic engagement and social interaction. The children and youth are often segregated and not offered full access to community, recreational, spiritual, social and educational life. The BIC mini-grant program attempts to address this issue by providing financial support for innovative educational initiatives designed to expand the knowledge and awareness of Pennsylvania communities as it relates to the needs of this population. The ultimate goal of the BIC program is to build social capital and, consequently, allow for the full integration of Pennsylvania's children and youth with special health care needs into all aspects of community life. The mini-grants provide funding for events occurring prior to June 30, 2008.

Eligible applicants are Pennsylvania public and private organizations, foundations or community-based agencies as recognized by Federal Tax ID number. For-profit entities may not apply. Individuals in informal groups without Federal Tax ID numbers are encouraged to partner with a sponsor organization who may apply on behalf of the group. Conference facilities must meet current Americans With Disabilities Act requirements.

Applicants may include:

- Day care centers and child care providers.
- Medical/dental providers.
- Educational providers.
- Youth groups.
- Community planners.
- Places of worship/congregations.

- Community groups/civic clubs.
- Entertainment/recreation/play potential.
- Employers/businesses.
- Families/relatives of children with special health care needs.
- Professional associations/organizations.
- Voting/polling providers.
- Travel/tourism providers.
- Park/forest/camp ground staff
- Bankers/lenders
- Retailers.
- Minority groups.
- Policy makers.

Funding decisions are contingent upon the availability of Fiscal Years 2006-2007 and 2007-2008 funds and Department approval. Completed applications will be scored against a common set of criteria in the order that they are received by a proposal review panel. The applications are scored in five categories, worth a maximum of 2 points per category, with a total maximum of 10 points. The five categories are:

1. Event goals/objectives clearly address BIC stated purpose.
2. Planned promotion efforts ensure target audience attendance at event.
3. Children/youth with special health care needs and/or their families were involved in planning the proposed event.
4. Applicant has planned effective evaluation activities for proposed event.
5. Proposed budget is reasonable.

All applicants will be notified of approval/disapproval in writing within 30 days of receipt of a completed application. Applicants not selected for funding will be notified and may revise their application once to conform to the guidelines for reconsideration. It is anticipated that 17-20 awards of \$3,000 or less will be made. This is a reimbursement program. Grantees must spend their own funds first and then be reimbursed by the Department of Health (Department).

Applicants may apply for funding to cover multiple presentations. However, the maximum cumulative award to any one applicant (as identified by Federal Tax ID number) is \$3,000 per fiscal year or for any one event when combined with any funding awards received through the Bureau of Family Health's Barrier Elimination Project (BE) for the same fiscal year. Department funds should be used as payer of last resort. A complete application must be received by the Department no fewer than 45 days prior to the date of the proposed educational event. Applications will be accepted until May 15, 2008. Applications will only be accepted if funds have not been fully awarded for the fiscal year. Before applying, check the Department of Health's website (www.health.state.pa.us, search word: mini-grant) to see if funding is still available.

Application materials can be downloaded from the Department's website: www.health.state.pa.us (Search: mini-grant). Individuals can also request application materials or additional information related to this initiative

by contacting Cindy Findley. Persons with a disability who require an alternative format of this notice or application materials (for example, large print, audiotape, Braille) should contact Cindy Findley, Bureau of Family Health, Division of Community Systems Development and Outreach, 7th Floor East, Health and Welfare Building, Harrisburg, PA 17120, (717) 772-2763, cfindley@state.pa.us or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service, (800) 634-5984 (TT).

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

[Pa.B. Doc. No. 07-666. Filed for public inspection April 13, 2007, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Inpatient Hospital Services

The purpose of this notice is to provide final notice of the Department of Public Welfare's (Department) payment methods for inpatient hospital services. This notice affects inpatient acute care general hospitals, private psychiatric hospitals, psychiatric units of acute care general hospitals, rehabilitation hospitals and rehabilitation units of acute care hospitals.

The Department published notice at 37 Pa.B. 269 (January 13, 2007) that provided advance public notice of the Department's proposed changes to its payment methodology for inpatient hospital services effective January 14, 2007.

Base Payment Rate

The Department will to increase each hospital's or hospital unit's base payment rate for inpatient services provided on a fee-for-services basis by 4.16%.

Inpatient Disproportionate Share; Volume Disproportionate Share; Outpatient Disproportionate Share; and Direct Medical Education Payments

The Department received comments to the published notice at 37 Pa.B. 269, that the increases in Inpatient Disproportionate Share, Volume Disproportionate Share and Medical Education payments should be 4% rather than 3.5%. As such, this final notice provides for these changes as follows:

The Department will to increase Inpatient Disproportionate Share payments by 4%, with no change in the current methodology for determining eligibility for those payments. For Fiscal Year (FY) 2006-2007, the aggregate amount of Inpatient Disproportionate Share payments is to be limited to \$65.504 million in total funds.

The Department will to increase Volume Disproportionate Share payments by 4%, with no change in the current methodology for determining eligibility for those payments. For FY 2006-2007, the aggregate amount of Volume Disproportionate Share payments is to be limited to \$10.438 million in total funds.

The Department will to increase Medical Education payments by 4%, with no change in the current methodology for determining eligibility for those payments. For FY 2006-2007, the aggregate amount of Medical Education payments is to be limited to \$80.841 million in total funds.

The Department will to increase Outpatient Disproportionate Share payments by 4%, with no change in the current methodology for determining eligibility for those payments. For FY 2006-2007, the aggregate amount of Outpatient Disproportionate Share payments is to be limited to \$62.526 million in total funds.

Fiscal Impact

The fiscal impact of the increase in the base payment rates is estimated at \$11.416 million (\$5.274 million in State funds) in FY 2006-2007 and \$35.415 million (\$16.501 million in State funds) for FY 2007-2008. The fiscal impact of the increases to the Inpatient Disproportionate Share, Volume Disproportionate Share, Outpatient Disproportionate Share and Direct Medical Education Payments is estimated at \$2.150 million (\$0.981 million in State funds) 2006-2007 and \$8.643 million in (\$3.962 million in State funds) in FY 2007-2008.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Person's with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Services at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-501. (1) General Fund:

	<i>MA-Inpatient</i>	<i>MA-Outpatient</i>
(2) Implementing Year 2006-07 is	\$5,975,000	\$280,000
(3) 1st succeeding Year 2007-08 is	\$19,333,000	\$1,130,000
2nd succeeding Year 2008-09 is	\$19,333,000	\$1,130,000
3rd succeeding Year 2009-10 is	\$19,333,000	\$1,130,000
4th succeeding Year 2010-11 is	\$19,333,000	\$1,130,000
5th succeeding Year 2011-12 is	\$19,333,000	\$1,130,000
(4) 2005-06 Program—	\$474,673,000	\$945,950,000
2004-05 Program—	\$531,785,000	\$842,991,000
2003-04 Program—	\$411,042,000	\$677,979,000
(7) Medical Assistance (MA) Inpatient and MA Outpatient; (8) recommends adoption. Funds have been included to cover these increased costs.		

[Pa.B. Doc. No. 07-667. Filed for public inspection April 13, 2007, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Black Jack Doublor 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 Black Jack Doublor.

2. *Price:* The price of a Pennsylvania Black Jack Doublor instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Black Jack Doublor instant lottery game ticket will contain a "DEALER'S HAND" area and a "YOUR HANDS" area. The "YOUR HANDS" area will feature 10 "HAND" areas. Each "HAND" is played separately. The play symbols and their captions located in the "DEALER'S HAND" area are: 6 (SIX), 7 (SVN), 8 (EGT), 9 (NIN), 10 (TEN), Jack (JCK), Queen (QUN), King (KNG) and Ace (ACE) card play symbols. The play symbols and their captions located in "HAND 1," "HAND 2," "HAND 3," "HAND 4," "HAND 5," "HAND 6," "HAND 7," "HAND 8," "HAND 9" and "HAND 10" in the "YOUR HANDS" area are: 2 (TWO), 3 (THR), 4 (FOR), 5 (FIV), 6 (SIX), 7 (SVN), 8 (EGT), 9 (NIN), 10 (TEN), Jack (JCK), Queen (QUN), King (KNG) and Ace (ACE) playing card symbols. A = 11, J, Q and K = 10.

4. *Prize Symbols:* The prize symbols and their captions located in the 10 prize areas are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$2,100 (TWYONEHUN) and \$21,000 (TWYONETHO).

5. *Prizes:* The prizes that can be won in this game are: \$1, \$2, \$4, \$5, \$10, \$20, \$50, \$100, \$500, \$2,100 and \$21,000. The player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 8,400,000 tickets will be printed for the Pennsylvania Black Jack Doublor instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the sum of the playing card symbols in the "DEALER'S HAND," and a prize symbol of \$21,000 (TWYONETHO) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$21,000.

(b) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the sum of the playing card symbols in the "DEALER'S HAND," and a prize symbol of \$2,100 (TWYONEHUN) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$2,100.

(c) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the sum of the playing card symbols in the "DEALER'S HAND," and a prize symbol of \$500 (FIV HUN) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets where the sum of the playing card symbols in any "HAND" equals 21, and a prize symbol of \$100 (ONE HUN) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$200.

(e) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the sum of the playing card symbols in the "DEALER'S HAND," and a prize symbol of \$100 (ONE HUN) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets where the sum of the playing card symbols in any "HAND" equals 21, and a prize symbol of \$50\$ (FIFTY) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the sum of the playing card symbols in the "DEALER'S HAND," and a prize symbol of \$50\$ (FIFTY) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$50.

(h) Holders of tickets where the sum of the playing card symbols in any "HAND" equals 21, and a prize symbol of \$20\$ (TWENTY) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$40.

(i) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the sum of the playing card symbols in the "DEALER'S HAND," and a prize symbol of \$20\$ (TWENTY) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$20.

(j) Holders of tickets where the sum of the playing card symbols in any "HAND" equals 21, and a prize symbol of \$10.⁰⁰ (TEN DOL) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$20.

(k) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the sum of the playing card

symbols in the "DEALER'S HAND," and a prize symbol of \$10.⁰⁰ (TEN DOL) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$10.

(l) Holders of tickets where the sum of the playing card symbols in any "HAND" equals 21, and a prize symbol of \$5.⁰⁰ (FIV DOL) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$10.

(m) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the sum of the playing card symbols in the "DEALER'S HAND," and a prize symbol of \$5.⁰⁰ (FIV DOL) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$5.

(n) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the sum of the playing card symbols in the "DEALER'S HAND," and a prize symbol of \$4.⁰⁰ (FOR DOL) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$4.

(o) Holders of tickets where the sum of the playing card symbols in any "HAND" equals 21, and a prize symbol of \$2.⁰⁰ (TWO DOL) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$4.

(p) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the sum of the playing card symbols in the "DEALER'S HAND," and a prize symbol of \$2.⁰⁰ (TWO DOL) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$2.

(q) Holders of tickets where the sum of the playing card symbols in any "HAND" equals 21, and a prize symbol of \$1.⁰⁰ (ONE DOL) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$2.

(r) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the sum of the playing card symbols in the "DEALER'S HAND," and a prize symbol of \$1.⁰⁰ (ONE DOL) appears in the "prize" area for that "HAND," 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:

*When The Sum Of Any Of
Your Hands Beats The Sum
Of The Dealer's Hand Win
With Prize(s) Of:*

\$1 × 2
\$1 w/21
\$2
\$1 × 4
\$2 w/21
\$4
\$1 × 5
\$1 w/21 + \$1 × 3
\$5
\$2 × 5
\$5 × 2
\$5 w/21
\$10

Win:

\$2
\$2
\$2
\$4
\$4
\$4
\$5
\$5
\$5
\$10
\$10
\$10
\$10

*Approximate
Odds Are 1 In:*

50
21.43
30
50
37.50
50
150
75
150
300
300
300
300

*Approximate No.
of Winners Per
8,400,000 Tickets*

168,000
392,000
280,000
168,000
224,000
168,000
56,000
112,000
56,000
28,000
28,000
28,000
28,000

When The Sum Of Any Of Your Hands Beats The Sum Of The Dealer's Hand Win With Prize(s) Of:

	<i>Win:</i>
\$2 × 10	\$20
\$4 × 5	\$20
\$5 × 4	\$20
\$10 × 2	\$20
\$10 w/21	\$20
\$20	\$20
\$5 × 10	\$50
\$10 × 5	\$50
\$10 + (\$20 × 2)	\$50
\$10 + \$20 w/21	\$50
\$50	\$50
\$20 × 5	\$100
\$50 × 2	\$100
\$50 w/21	\$100
\$100	\$100
\$50 × 10	\$500
\$100 × 5	\$500
\$100 w/21 + \$100 × 3	\$500
\$500	\$500
\$2,100	\$2,100
\$21,000	\$21,000

Approximate Odds Are 1 In:

1,500	5,600
1,500	5,600
750	11,200
750	11,200
750	11,200
1,500	5,600
1,500	5,600
1,500	5,600
1,500	5,600
1,500	5,600
3,000	2,800
3,000	2,800
2,609	3,220
3,000	2,800
60,000	140
60,000	140
30,000	280
60,000	140
120,000	70
420,000	20

Prizes, including the 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 Black Jack Doubler instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Black Jack Doubler, prize money from winning Pennsylvania Black Jack Doubler 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 Black Jack Doubler 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 Black Jack Doubler or through normal communications methods.

THOMAS W. WOLF,
Acting Secretary

[Pa.B. Doc. No. 07-668. Filed for public inspection April 13, 2007, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Rulemaking

The Independent Regulatory Review Commission (Commission) received the following regulations. It is scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, in Harrisburg at 10:30 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy.

This schedule is tentative. Contact the Commission at (717) 783-5417 or check its website at www.irrc.state.pa.us for updates.

Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
16A-559	State Board of Accountancy Revision of and Deletion of Existing Regulations	3/30/07	5/3/07
16A-6010	State Board of Vehicle Manufacturers, Dealers Salespersons Biennial Renewal Fees	3/30/07	5/3/07

Final-Omit

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
16A-5617	State Real Estate Commission Consumer Notice— Commercial Property Exception	3/30/07	5/3/07

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 07-669. Filed for public inspection April 13, 2007, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for a Domestic Certificate of Authority

Eastern Advantage Assurance Company has applied for a Certificate of Authority to operate as a domestic stock casualty insurance company in this Commonwealth. The filing was made under The Insurance Company Law of 1921 (40 P. S. §§ 341—991). Persons wishing to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days of publication of this notice in the *Pennsylvania Bulletin*. 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 and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, rbrackbill@state.pa.us.

RANDOLPH L. ROHRBAUGH,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-670. Filed for public inspection April 13, 2007, 9:00 a.m.]

Application and Request for a Certificate of Authority

Loyalhanna Health Care Associates has applied for a continuing care provider Certificate of Authority to operate a facility located in Latrobe, PA. The filing was received on April 3, 2007, 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 application are invited to submit a written statement to the Insurance Department (Department) within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Written statements 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.

RANDOLPH L. ROHRBAUGH,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-671. Filed for public inspection April 13, 2007, 9:00 a.m.]

MILK MARKETING BOARD

Hearing and Presubmission Schedule for All Milk Marketing Areas; Over-Order Premium

Under the Milk Marketing Law, (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on May 23, 2007, at 9:30 a.m. in the VIP Lounge of the Pennsylvania Farm Show Complex, 2300 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning the level and duration of the Class I over-order premium. The current over-order premium expires on June 30, 2007.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on April 24, 2007, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on April 24, 2007, notification of their desire to be included as a party. Parties may indicate in their notices of appearance if alternate means of service, that is, email or fax, are acceptable.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing.

1. By 4 p.m. on April 27, 2007, each party shall file with the Board, in person or by mail, one original and eight copies and ensure receipt by all other parties of one copy of:

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

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

2. By 4 p.m. on May 11, 2007, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 4 p.m. on May 18, 2007, each party shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

The Board may exclude witnesses or exhibits of a party that fails to comply with the above requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing.

Parties that wish to offer in evidence documents on file with the Board, public documents, or records in other proceedings before the Board, or wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. When-

ever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on April 20, 2007.

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

KEITH BIERLY,
Secretary

[Pa.B. Doc. No. 07-672. Filed for public inspection April 13, 2007, 9:00 a.m.]

OFFICE OF ATTORNEY GENERAL

Public Meeting

A meeting of the Lobbying Disclosure Regulation Committee (Committee) established under the act of November 1, 2006 (P.L. 1213, No. 134) (Act 134) effective January 1, 2007, will be held on Thursday, April 19, 2007, at 9 a.m. in Hearing Room 1 of the North Office Building, Harrisburg, PA.

The purpose of the meeting will be for the Committee to consider regulations under Act 134 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. 07-673. Filed for public inspection April 13, 2007, 9:00 a.m.]

PENNSYLVANIA ENERGY DEVELOPMENT AUTHORITY

Pennsylvania Energy Harvest Grant Program; \$10 Million Funding Opportunity Available

On behalf of Governor Edward G. Rendell, the Pennsylvania Energy Development Authority (PEDA) announces the opening of a new solicitation for innovative, advanced energy projects and for businesses interested in locating their advanced energy operations in the Commonwealth. The total amount of available funding for this round is \$10 million.

For purposes of this financial assistance opportunity, eligible projects may include: solar energy; wind; low-impact hydropower; geothermal; biologically derived methane gas, including landfill gas; biomass; fuel cells; coal-mine methane; waste coal; integrated gasification combined cycle; demand management measures, including recycled energy and energy recovery, energy efficiency and load management; and clean, alternative fuels for

transportation. PEDA particularly encourages applicants with projects related to distributed generation for critical public infrastructure to apply.

Under this solicitation, the Authority may award financial assistance in the form of grants of up to \$1 million. Funding for projects may be used for capital equipment, construction associated with capital equipment projects and land acquisition.

For grants under this solicitation, the following entities are eligible to apply: corporations, partnerships, associations and other legal business entities; nonprofit corporations; in this Commonwealth; and any public corporations, authorities or bodies whatsoever.

This is a competitive solicitation and funding will be determined by vote of the Board of Directors. Guidelines and applications may be viewed and downloaded from the Department's website at www.depweb.state.pa.us (DEP Keyword: PEDA). Applications will be accepted through June 15, 2007.

Note that the Department's Alternative Fuels Incentive Program and the Pennsylvania Energy Harvest Grant Program will be open at the same time (see 37 Pa.B. 1738, and 37 Pa.B. 1740, respectively).

KATHLEEN A. MCGINTY,
Chairperson

[Pa.B. Doc. No. 07-674. Filed for public inspection April 13, 2007, 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 May 7, 2007. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to *begin* operating as *common carriers* for transportation of *persons* as described under each application.

A-00117441, F6. Wesley Martin Miller, t/d/b/a Wesley Miller Transportation (P. O. Box 592, Brownstown, Lancaster County, PA 17508)—persons, in paratransit service, between points in the County of Lancaster, and from points in the said county, to points in Pennsylvania, and return; limited to the transportation of persons whose personal convictions prevent them from owning or operating motor vehicles.

A-00123459. Just In Time Transportation Service, LLC t/a Just In Time Transportation Service (P. O. Box 948, Waynesboro, Franklin County, PA 17268)—

certificate of public convenience to begin to transport, as a common carrier, by motor vehicle, persons upon call or demand, in the Borough of Waynesboro, Franklin County, and within an airline distance of 15 statute miles of the limits of said Borough.

A-00123459, F2. Just In Time Transportation Service, LLC t/a Just In Time Transportation Service (P. O. Box 948, Waynesboro, Franklin County, PA 17268)—certificate of public convenience to begin to transport, as a common carrier, by motor vehicle, persons in airport transfer service, from points in the County of Franklin to the Philadelphia International Airport, the Harrisburg International Airport and the Lehigh International Airport.

A-00123613. William Paul Kauffman (1230 Valley Road, Quarryville, Lancaster County, PA 17566)—for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Lancaster, to points in Pennsylvania, and return.

Application of the following for approval to begin operating as contract carriers for transportation of persons as described under this application.

A-00123612. JFC Parking and Transportation Service, Inc. (823 Lake Ave., Woodbury Heights, NJ 08097)—certificate of public convenience to begin to transport, as a contract carrier, by motor vehicle, persons for the Hospital of The University of Pennsylvania (HUP)—School of Medicine and for the Presbyterian Medical Center, between points in Philadelphia, Delaware, Chester, Montgomery and Bucks Counties.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under each application.

A-00122984, F3. Hawk Vision Moving & Storage, LLC, a limited liability company of Pennsylvania, for the additional right to transport, as a common carrier, by motor vehicle, household goods in use, from points in the Counties of Berks, Bucks, Chester, Delaware, Lehigh, Montgomery and Philadelphia, to points in Pennsylvania, and vice versa.

Application of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.

A-00110238, F4. W. L. Roenigk, Inc. t/a W. L. Roenigk (798 Ekastown Road, Sarver, Butler County, PA 16055)—certificate of public convenience to abandon/discontinue the rights to transport, as a common carrier, persons upon call or demand in the Borough of Freeport, Armstrong County and within the airline distance of 6 statute miles of the limits of the said borough.

Complaint

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Mobile Space Transport, Inc., P. O. Box 354 Whiteford, MD 21160; Docket No. A-00106731C0701

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities

within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That the principal place of business of Mobile Space Transport, Inc., respondent, is P. O. Box 354, Whiteford, MD 21160.

2. That respondent was issued a certificate of public convenience by this Commission on 9/22/1986, at Docket No. A-00106731.

3. That, on January 27, 2006, respondent was sent a supplemental assessment of \$14. Respondent failed to pay this assessment; therefore, a balance was due in the amount of \$14.

4. That, on August 21, 2006, respondent was sent an initial assessment of \$360. Respondent failed to pay this assessment; therefore, a balance was due in the amount of \$360.

5. That respondent has a total outstanding assessment of \$374.

6. That respondent failed to file objections to the assessments, pursuant to 66 Pa.C.S. § 510(c).

7. That respondent, by failing to pay the assessments, violated the Public Utility Code at 66 Pa.C.S. § 510(c).

Wherefore, unless respondent pays the overdue assessment in full within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue an Order which (1) cancels the Certificate of Public Convenience issued to respondent, (2) requests the Pennsylvania Department of Transportation to put an administrative hold on the respondent's motor vehicle registrations, (3) notifies the Pennsylvania Department of Revenue that respondent's Certificate of Public Convenience has been revoked, (4) notifies respondent's insurance carrier that respondent's Certificate of Public Convenience has been revoked and (5) imposes, when necessary, an additional fine on the respondent.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Wendy J. Keezel, Chief of Enforcement

NOTICE

A. You must file an answer within twenty 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). 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 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 days, 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 paying your outstanding assessment within twenty (20) days. Your certified check or money order for the assessment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Administrative Services, Attention
 Stanley A. Heintzelman
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue an Order imposing a penalty (see Paragraph B). 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 penalty set forth in Paragraph B.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Bureau of Administrative Services (717) 772-0316.

Corrected Complaint

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. David George Fay, 134 Middle Street, Pleasant Gap, PA 16823; Docket No. C-20077328

CORRECTED COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That David George Fay, respondent, maintains his principal place of business at 134 Middle Street, Pleasant Gap, Pennsylvania 16823.

2. That on the date of the violation alleged in this complaint, respondent did not hold a certificate of public convenience issued by this Commission.

3. That respondent, on September 2, 2006, provided transportation between points in State College, Pennsylvania. Officer Brauser and Officer Paul, of the State College Police Department, observed a vehicle bearing Pennsylvania License No. ERK-8341 pick up four people at the Sports Café in State College, Pennsylvania and transport them to the Sleep Inn in State College, Pennsylvania. The vehicle is a 1987 Toyota sedan registered to David G. Fay. One of the people in the vehicle advised the officers that the driver, identified as David George Fay, held up a yellow taxi sign and quoted a charge of \$4.50 for the ride. The driver was given \$10.00 and advised to keep the change. The laminated yellow sign that said "TAXI by Handy Delivery PUC A107326" was seized by the State College Police Department. Mr. Fay admitted to the officers that he was providing transportation on football nights.

4. That respondent, in performing the act described in Paragraph 3 of this complaint, violated the Public Utility Code, 66 Pa.C.S. § 1101, in that respondent provided transportation of persons for compensation between points in the Commonwealth of Pennsylvania while not then holding a certificate of public convenience issued by this Commission. The penalty is \$1,000.00. Future violations may result in possible criminal prosecution with penalties up to \$10,000.00 and one year in prison.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine David George Fay, the sum of one thousand dollars (\$1,000.00) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

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, Chief of Enforcement for the Motor Carrier Services and Enforcement Division of the Bureau of Transportation and Safety, 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 Division
 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, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty.

C. You may elect not to contest this complaint by paying the fine proposed in this complaint by certified check or money order. Payment must be made to the 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 your payment, the complaint proceeding shall be closed. In such case, to prevent the suspension of your vehicle registration(s), you must file an application for authority with the Secretary of the Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. If no application is received within the twenty (20) day time period, the Bureau of Transportation and Safety will proceed with the request for suspension of your vehicle registration(s). Your response should be directed to the Compliance Office, Bureau of Transportation and Safety, P. O. Box 3265, Harrisburg, PA 17105-3265.

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 a Secretarial Letter imposing a penalty.

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 above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

Complaint

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Waters, Keith R. 302 Nelson Avenue, Chesilhurst, NJ 8089; Docket No. A-00111358C0701

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That the principal place of business of Waters, Keith R., respondent, is 302 Nelson Avenue, Chesilhurst, NJ 08089.

2. That respondent was issued a certificate of public convenience by this Commission on 9/10/2003, at Docket No. A-00111358.

3. That, on August 21, 2006, respondent was sent an initial assessment of \$73. Respondent failed to pay this assessment; therefore, a balance was due in the amount of \$73.

4. That respondent has an outstanding assessment of \$73.

5. That respondent failed to file objections to the assessment, pursuant to 66 Pa.C.S. § 510(c).

6. That respondent, by failing to pay the assessment, violated the Public Utility Code at 66 Pa.C.S. § 510(c).

Wherefore, unless respondent pays the overdue assessment in full within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue an Order which (1) cancels the Certificate of Public Convenience issued to respondent, (2) requests the Pennsylvania Department of Transportation to put an administrative hold on the respondent's motor vehicle registrations, (3) notifies the Pennsylvania Department of Revenue that respondent's Certificate of Public Convenience has been revoked, (4) notifies respondent's insurance carrier that respondent's Certificate of Public Convenience has been revoked and (5) imposes, when necessary, an additional fine on the respondent.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
 Motor Carrier Services & Enforcement Division
 Bureau of Transportation and Safety
 P. O. Box 3265
 Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Wendy J. Keezel, Chief of Enforcement

NOTICE

A. You must file an answer within twenty 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). 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 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 days, 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 paying your outstanding assessment within twenty (20) days. Your certified check or money order for the assessment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Administrative Services, Attention
Stanley A. Heintzelman
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue an Order imposing a penalty (see Paragraph B). 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 penalty set forth in Paragraph B.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Bureau of Administrative Services (717) 772-0316.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-675. Filed for public inspection April 13, 2007, 9:00 a.m.]

Telecommunications Services

A-310183F0002AMD; A-310183F0002AME; A-310183F0002AMF; A-310183F0002AMG; A-310183F0002AMH; A-310183F0002AMI; A-310183F0002AMJ; A-310183F0002AMK. Sprint Communications Company, LP. Application of Sprint Communications Company, LP, for approval to offer, render, furnish or supply telecommunications services as a Facilities-Based Competitive Local Exchange Carrier to the public in the service territories of Citizens Telecommunications Company of New York, Frontier Communications of Breezewood, LLC, Frontier Communications of Canton, LLC, Frontier Communications of Lakewood, LLC, Frontier Communications of Oswayo River, LLC, Frontier Communications of Pennsylvania, LLC, Lackawaxen Telecommunications Services, Inc. and Pymatuning Independent Telephone Company.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before April 23, 2007. The documents filed in support of the application are available for inspection and

copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Sprint Communications Company, LP

Through and By Counsel: Jennifer A. Duane, Esquire, State Regulatory Attorney, 2001 Edmund Halley Drive, Second Floor, Reston, VA 20191.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-676. Filed for public inspection April 13, 2007, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Public Hearing and Meeting

Under its authority under the Susquehanna River Basin Compact (Compact), Pub. L. No. 91-575, 84 Stat. 1509 et seq., the Susquehanna River Basin Commission (Commission) approved certain water resources projects at its March 14, 2007, meeting. At the public hearing, the Commission rescinded three docket approvals identified in the Supplementary Information section.

Supplementary Information

At a public hearing on March 14, 2007, the Susquehanna River Basin Commission took the listed actions:

Public Hearing—Projects Approved

1. Project Sponsor and Facility: Osram Sylvania Products, Inc., Towanda Borough, Bradford County, PA. Modification of consumptive water use approval (Doc. No. 19970502).

2. Project Sponsor and Facility: Conyngham Borough Authority, Conyngham Borough, Luzerne County, PA. Application for groundwater withdrawal of up to 0.216 mgd.

3. Project Sponsor: The County of Lycoming. Project Facility: Lycoming County Resource Management Services, Brady Township, Lycoming County, PA. Application for consumptive water use of up to 0.105 mgd.

4. Project Sponsor and Facility: Mount Union Municipal Authority, Wayne Township, Mifflin County, PA. Application for groundwater withdrawal of up to 0.432 mgd.

5. Project Sponsor and Facility: Commonwealth Environmental Systems, LP, Foster Township, Schuylkill County, PA. Application for consumptive water use of up to 0.030 mgd.

6. Project Sponsor and Facility: Shippensburg Borough Authority, Southampton Township, Cumberland County, PA. Application for groundwater withdrawal of up to 2.000 mgd.

7. Project Sponsor: Lancaster County Solid Waste Management Authority. Project Facility: Frey Farm and Creswell Landfills, Manor Township, Lancaster County, PA. Modification of consumptive water use approval (Doc. No. 20061208).

8. Project Sponsor: Delta Borough. Project Facility: Delta Ridge Subdivision, Peach Bottom Township, York County, PA. Application for groundwater withdrawal of up to 0.032 mgd.

Public Hearing—Projects Rescinded

1. Project Sponsor and Facility: Frito-Lay, Inc. (Doc. No. 20020201), Johnson City, Broome County, NY.
2. Project Sponsor: Corning Incorporated. Project Facility: Erwin Park Photonics (Doc. No. 20031002), Town of Erwin, Steuben County, NY.
3. Project Sponsor and Facility: Union Township Municipal Authority (Doc. No. 19920701), Union Township, Clearfield County, PA.

Public Hearing—Enforcement Action Tabled

1. Project Sponsor: South Slope Development Corporation (Doc. No. 19991103). Project Facility: Song Mountain Ski Resort, Town of Preble, Cortland County, NY.

The contact person is Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 306; fax (717) 238-2436, rcairo@src.net or Deborah J. Dickey, Secretary to the Commission, (717) 238-0423, Ext. 301; fax (717) 238-2436, ddickey@src.net. Regular mail inquiries may be sent to 1721 North Front Street, Harrisburg, PA 17102-2391. More information is also available for inspection at the Commission's offices or on the Commission's website at www.srbc.net.

PAUL O. SWARTZ,
Executive Director

[Pa.B. Doc. No. 07-677. Filed for public inspection April 13, 2007, 9:00 a.m.]

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART II. ORPHANS' COURT RULES

[231 PA. CODE PART II]

Amendment of Pa.O.C. Rule 6.1 and Approval of Model Accounts; No. 414 Supreme Court Rules; Doc. No. 1

Order

Per Curiam:

And Now, this 29th day of March, 2007, upon the recommendation of the Orphans' Court Procedural Rules Committee, the proposal having been published for comment before adoption at 36 Pa.B. 6929 (November 11, 2006):

It Is Ordered, pursuant to Article V, Section 10 of the Constitution of Pennsylvania, that:

(1) Pennsylvania Orphans' Court Rule 6.1 is amended as follows;

(2) The Model Executor's Account and Model Trustee's Account previously attached to the Uniform Fiduciary Accounting Principles, approved pursuant to Rule 6.1(g) and included in an Appendix following Rule 6.1 are rescinded and the revised model accounts (renamed "Model Estate Account" and "Model Trust Account" respectively) are approved and included in the Forms Appendix following the Pennsylvania Orphans' Court Rules;

(3) A Model Charitable Unitrust Account is approved and is set forth in the Forms Appendix following the Pennsylvania Orphans' Court Rules;

(4) The Uniform Fiduciary Accounting Principles previously approved pursuant to Rule 6.1(g) and included in an Appendix following Rule 6.1(g) are relocated to the Forms Appendix following the Pennsylvania Orphans' Court Rules; and

(5) The Index to Appendix is amended as follows.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(b), and shall become effective thirty days from the date of entry of this order.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART II. ORPHANS' COURT RULES

RULE 6: ACCOUNTS AND DISTRIBUTION

Rule 6.1. Form of Account.

Accounts shall conform to the following rules:

(a) The dates of all receipts **[and]**, disbursements **and distributions**, the sources of the receipts, and the persons to whom disbursements **and distributions** are made and the purpose thereof shall be stated except that **[where]** **when** a number of payments have been received from the same source or disbursed **or distributed** to the same recipient for the same purpose over a period of time, such receipts **[or]**, disbursements **or distribu-**

tions need not be itemized but may be stated in total amounts only with dates of beginning and ending of the period covered.

(b) Except where otherwise provided by a special order of the local Court in a particular case, **[items of administration, distribution, receipts, disbursements, principal, and income shall be separately itemized.]** **principal and income shall be accounted for separately within the account. As illustrated in the Model Accounts set forth in the Appendix, every account shall contain:**

(1) cover page;

(2) summary and index page;

(3) separate schedules, as needed, which set forth receipts, gains or losses on sales or other dispositions, disbursements, distributions, investments made and changes in holdings, and other schedules as appropriate; and

(4) signature and verification pages by the accountant(s); the verification of the personal representative's account shall contain a statement that the Grant of Letters and the first complete advertisement thereof occurred more than four months before the filing of the account unless the personal representative has been directed by the court to file an account prior to that time.

(c) Assets held by the accountant on the **closing** date of **[filing]** the account shall be separately itemized.

(d) Testamentary assets shall be segregated from appointive assets.

(e) **[Each local Court may adopt further rules not inconsistent with the foregoing regulating the form of accounts.**

(f) [Except where otherwise provided by a special order of the local Court in a particular case, Accounts [may] shall be prepared and filed in substantial conformity with [either (i) the rules prescribed or forms approved by the local Court or (ii)] any form approved by the Supreme Court of this Commonwealth [—whichever the accountant may elect].

[(g) (f)] The Uniform Fiduciary Accounting Principles and accompanying commentaries and illustrations recommended by the Committee on National Fiduciary Accounting Standards in collaboration with the National Center for State Courts are approved as an elaboration of the requirements of this rule. Reference may be made to them for determination of the adequacy of a particular account. The model Account formats **[attached thereto]** **set forth in the Appendix to the Pa.O.C. Rules** are the approved forms for purposes of paragraph **[(f)(ii)] (e)** of this Rule in lieu of all forms heretofore approved.

Committee Comment: For completeness, paragraph (a) of this Rule is expanded to include distributions as a category. Paragraph (b) of this Rule is expanded to delineate the individual schedules required within an account and to require that each account be signed at the end and verified. Consistent with the objective to standardize statewide practice, former paragraph (e) of this Rule

was stricken and present paragraph (e) was modified to require use of forms of Account consistent with model forms except upon special order of Court. The National Fiduciary Accounting Standards Project (1983) Report of Fiduciary Accounting Standards Committee previously referenced in Pa.O.C. Rule 6.1 is now included in the Appendix

following the Pa.O.C. Rules. However, the Orphans' Court Procedural Rules Committee has corrected and modified the Project's Model Estate Account and Model Trust Account attached to that Report and added a Model Charitable Remainder Unitrust Account. All Model Accounts are also now included in the Appendix following the Pa.O.C. Rules.

**INDEX TO APPENDIX
ORPHANS' COURT AND REGISTER OF WILLS FORMS
ADOPTED BY SUPREME COURT
PURSUANT TO Pa.O.C. Rule 1.3**

Available as Fill-in Forms on Website
of Administrative Office of Pennsylvania Courts
<http://www.aopc.org/Index/Forms/IndexForms.asp>

Orphans' Court and Administration Forms

A. Audit and Administration Forms

1. Petition for Adjudication—Decedent's Estate (Pa.O.C. Rule 6.9)	OC-01
2. Petition for Adjudication—Trust Estate (Pa.O.C. Rule 6.9)	OC-02
3. Petition for Adjudication—Guardian of Estate of Incapacitated Person (Pa.O.C. Rule 6.9)	OC-03
4. Petition for Adjudication—Guardian of Estate of Minor (Pa.O.C. Rule 6.9)	OC-04
5. Petition for Adjudication—Principal's Estate under POA (Pa.O.C. Rule 6.9)	OC-05
6. Notice of Charitable Gift (Pa.O.C. Rule 5.5).....	OC-06
7. Notice of Claim	OC-07

B. Guardianship Forms

1. Important Notice—Citation with Notice (Pa.O.C. Rule 14.5).....	G-01
2. Annual Report—Guardian of Estate.....	G-02
3. Annual Report—Guardian of Person	G-03
4. Guardian's Inventory.....	G-04
5. Petition for Adjudication—Guardian of Estate of Incapacitated Person.....	OC-03*
6. Petition for Adjudication—Guardian of Estate of Minor.....	OC-04**

* Form OC-3 is not reprinted here and is located under Audit and Administration Forms at No. 3.
**Form OC-4 is not reprinted here and is located under Audit and Administration Forms at No. 4.

C. Abortion Control Act Forms

1. Minor's Application for Judicial Authorization of an Abortion (Pa.O.C. Rule 16.10).....	ACA-01
2. Confidential Unsworn Verification by a Minor (Pa.O.C. Rule 16.10).....	ACA-02

D. Register of Wills Forms

1. Estate Information Sheet	RW-01
(Not adopted by Supreme Court; form promulgated by Department of Revenue and maintained with Register of Wills forms for convenience.)	
2. Petition for Probate and Grant of Letters.....	RW-02
3. Oath of Subscribing Witness(es).....	RW-03
4. Oath of Non-subscribing Witness(es)	RW-04
5. Oath of Witness(es) to Will Executed by Mark	RW-05
6. Renunciation	RW-06
7. Pa.O.C. Rule 5.6 Notice	RW-07
8. Certification of Notice under Pa.O.C. Rule 5.6(a).....	RW-08
9. Estate Inventory	RW-09
10. Pa.O.C. Rule 6.12 Status Report	RW-10

E. Model Forms of Account

1. National Fiduciary Accounting Standards Project—1983 Report of Fiduciary Accounting Standards Committee
2. Model Estate Account
3. Model Trust Account
4. Model Charitable Remainder Unitrust Account

NATIONAL FIDUCIARY ACCOUNTING STANDARDS PROJECT

1983 REPORT OF FIDUCIARY ACCOUNTING STANDARDS COMMITTEE

Scope of the Project

“Fiduciary Accounting” does not have one commonly understood meaning. In a broad sense, it can mean the entire process whereby a fiduciary – normally a personal representative, trustee or guardian – communicates information on an on-going basis regarding his administration of a fund and periodically justifies his administration to the parties in interest and, perhaps, to a court. In another sense, it may be the process whereby a fiduciary – here more often a trustee – periodically keeps parties in interest currently informed of transactions and investment policies being followed.

In a narrower sense, to which this report is directed, a fiduciary accounting may refer to the statement prepared by a fiduciary at the close of his administration of a fund (or at some appropriate intermediate stage) to reflect transactions that have occurred and to be presented to the parties in interest as part of a process whereby the fiduciary seeks discharge from liability for the events disclosed.

There is undoubtedly much that can be accomplished to improve the general administration of estates and trusts. A broad study of our basic fiduciary accounting models could lead to dramatic change in the future. But such a study as well as general questions regarding what constitutes fair and adequate procedures in a large variety of circumstances remain beyond the scope of this project.

Advantages to Be Gained from Uniformity

The manner in which a fiduciary records receipts and disbursements and gains and losses from investment during the course of administration is commonly dictated by local practice, court rule or statute. In many jurisdictions there is a lack of clarity or consistency regarding the form and content of such an accounting. A uniform form of account and the creation of guiding principles of accounting would be a most helpful development.

Through the development of a uniform form of account the forms that are now in use can be improved. It would not be expected that immediate change to a model account format would be required of corporate fiduciaries with substantial investments in computer programs but ultimately, standardization of forms will permit more effective utilization of machine record keeping techniques and significant cost savings. Standards for acceptable accounting practices will provide needed guidelines.

Since proposed standards can be illustrated by example, we have focused on form and content of a statement of transactions, recognizing that a proper form of account is important whether the account is to be presented in court or employed as part of an informal settlement process between a fiduciary and beneficiaries.

Performance Accounting Distinguished

No effort has been made to standardize that kind of fiduciary accounting which is directed toward an analysis of the investment performance of a fund. Accounts of this type are often distributed to beneficiaries by corporate fiduciaries at regular intervals, generally one year or less, and contain statements of receipts, disbursements and assets on hand at the close of the period. The statement of assets customarily discloses additional information such as cost or tax basis, current market value, current yield expressed sometimes both in dollars and as a percentage of cost or market, and may show the distribution of investments among various categories such as bonds and stocks with subdivision of stocks by industry. These statements can be immensely valuable, both as an aid to the fiduciary in analyzing the structure of the portfolio, and for the information of beneficiaries. Indeed, because this form of report reflects and analyzes current investment policy, it may be described as more positive and forward looking than an unrationalized account of past transactions which is commonly used as a basis for discharge from responsibility for past acts. However, accountings of this type are fundamentally different in purpose from the traditional concept of discharge accounting by a fiduciary. There are inherent limitations that tend to restrict their use to professional institutionalized fiduciaries, and the need for establishment of standards appears to be less pressing than in the conventional area of discharge accounting.

Basic Objectives and General Standards of Fiduciary Accounting

The fundamental objective of an account should be to provide essential and useful information in a meaningful form to the parties interested in the accounting process. It is also important that the account should be sufficiently simple to enable its preparation without unreasonable expense to the fund, or undue distraction from the on-going administration of the estate. Finally, although the parties should understand the nature of the accounting process and the need to protect their interests, the relationship of trust and confidence existing between the fiduciary and the beneficiaries is itself important and the account should not be presented in an adversary format that will unnecessarily impair this relationship.

Competing Goals

Maximum clarity, full disclosure and complete description and explanation of all events to be disclosed appear to be standards that all would accept. But, in combination, they may present many difficulties. For example, clarity may be obscured by the detail that is required for a disclosure that omits nothing. Full explanation of all investment decisions might produce a massive document that few beneficiaries would read. On balance, a set of flexible principles keyed to the standard of good faith supports the utmost protection of the parties and permits accounting standards to change and mature as circumstances require.

Fiduciary accounts rarely will be identical. In addition to the predictable variables of the size and composition of the assets, the period covered and the position of those interested, the significance of particular issues in a controversy may be illuminated by special accounting treatment of some portion of a fund. This suggests that a fiduciary should have enough flexibility to state an account in the manner best adapted to the particular circumstances and

discourages any effort to prescribe a totally rigid format. Accordingly, the following principles are suggested as general standards for fiduciary accounting.

Model Accounts

Sample Executor's and Trustee's accounts are attached to illustrate the application of the suggested standards for fiduciary accounting.

Fiduciary Accounting Principles

I. Accounts should be stated in a manner that is understandable by persons who are not familiar with practices and terminology peculiar to the administration of estates and trusts.

Commentary:

In order for an account to fulfill its basic function of communication, it is essential that it be stated in a manner that recognizes that the interested parties are not usually familiar with fiduciary accounts. It is neither practical nor desirable to require that accounts be tailored to meet individual disabilities of particular parties but any account should be capable of being understood by a person of average intelligence, literate in English, and familiar with basic financial terms who has read it with care and attention.

Problems arising from terminology or style are usually a reflection of the fact that people who become versed in a particular form of practice tend to forget that terms which are familiar and useful to them may convey nothing to someone else or may even be affirmatively misleading. For example, the terms "debit" and "credit" are generally incomprehensible to people with no knowledge of bookkeeping and many people who are familiar with them in other contexts would assume that in the context of fiduciary accounting, the receipt of an item is a "credit" to the fund rather than a "debit" to the fiduciary.

While the need for concise presentation makes a certain amount of abbreviation both acceptable and necessary, uncommon abbreviation of matters essential to an understanding of the account should be avoided or explained.

No position is taken for or against the use of direct print-outs from machine accounting systems. The quality of the accounts produced by these systems varies widely in the extent to which they can be understood by persons who are not familiar with them. To endorse or object to a direct print-out because it is produced by machine from previously stored data would miss the essential point by focusing attention upon the manner of preparation rather than the product.

II. A fiduciary account shall begin with a concise summary of its purpose and content.

Commentary:

Very few people can be expected to pay much attention to a document unless they have some understanding of its general purpose and its significance to them. Even with such an understanding, impressions derived from the first page or two will often determine whether the rest is read. The use that is made of these pages is therefore of particular significance.

The cover page should disclose the nature and function of the account. While a complete explanation of the significance of the account and the effect of its presentation upon the rights of the parties is obviously impractical for inclusion at this point, there should be at least a brief statement identifying the fiduciary and the subject matter, noting the importance of examining the account and giving an address where more information can be obtained.

It is assumed that the parties would also have enough information from other sources to understand the nature of their relationship to the fund (e.g., residuary legatee, life tenant, remainderman), the function of the account, and the obligation of the fiduciary to supply further relevant information upon request. It is also assumed that notice will be given of any significant procedural considerations such as limitation on the time within which objections must be presented. This would normally be provided by prior or contemporaneous memoranda, correspondence or discussions.

A summary of the account shall also be presented at the outset. This summary, organized as a table of contents, shall indicate the order of the details presented in the account and shall show separate totals for the aggregate of the assets on hand at the beginning of the accounting period; transactions during the period; and the assets remaining on hand at the end of the period. Each entry in the summary shall be supported by a schedule in the account that provides the details on which the summary is based.

III. A fiduciary account shall contain sufficient information to put the interested parties on notice as to all significant transactions affecting administration during the accounting period.

Commentary:

The presentation of the information in an account shall allow an interested party to follow the progress of the fiduciary's administration of assets during the accounting period without reference to an inventory or earlier accounting that is not included in the current account.

An account is not complete if it does not itemize assets on hand at the beginning of the accounting period.

Illustrations:

3.1 The first account for a decedent's estate or a trust should detail the items received by the fiduciary and for which he is responsible. It should not simply refer to the total amount of an inventory filed elsewhere or assets described in a schedule attached to a deed of trust.

3.2 In later accounts for an estate or trust, the opening balance should not simply refer to the total value of principal on hand as shown in detail in the prior account, but should list each item separately.

Instead of retyping the complete list of assets in the opening balance, the accountant may prefer to attach as an exhibit a copy of the inventory, closing balance from last account, etc., as appropriate.

Transactions shall be described in sufficient detail to give interested parties notice of their purpose and effect. It should be recognized that too much detail may be counterproductive to making the account understandable. In accounts covering long periods or dealing with extensive assets, it is usually desirable to consolidate information. For instance, where income from a number of securities is being accounted for over a long period of time, a statement of the total dividends received on each security with appropriate indication of changes in the number of shares held will be more readily understandable and easier to check for completeness than a chronological listing of all dividends received.

Although detail should generally be avoided for routine transactions, it will often be necessary to a proper understanding of an event that is somewhat out of the ordinary.

Illustrations:

3.3 Extraordinary appraisal costs should be shown separately and explained.

3.4 Interest and penalties in connection with later filing of tax returns should be shown separately and explained.

3.5 An extraordinary allocation between principal and income such as apportionment of proceeds of property acquired on foreclosure should be separately stated and explained.

3.6 Computation of a formula marital deduction gift involving non-probate assets should be explained.

IV. A fiduciary account shall include both carrying values—representing the value of assets at acquisition by the fiduciary—and current values at the beginning and end of the accounting period.

Commentary:

In order for transactions to be reported on a consistent basis, an appropriate carrying value for assets must be chosen and employed consistently.

The carrying value of an asset should reflect its value at the time it is acquired by the fiduciary (or a predecessor fiduciary). When such a value is not precisely determinable, the figure used should reflect a thoughtful decision by the fiduciary. For assets owned by a decedent, inventory values or estate tax values—generally reflective of date of death values—would be appropriate. Assets received in kind by a trustee from a settlor of an inter-vivos trust should be carried at their value at the time of receipt. For assets purchased during the administration of the fund, cost would normally be used. Use of Federal income tax bases for carrying value is acceptable when basis is reasonably representative of real values at the time of acquisition. Use of tax basis as a carrying value under other circumstances could be affirmatively misleading to beneficiaries and therefore is not appropriate.

In the Model Account, carrying value is referred to as “fiduciary acquisition value.” The Model Account establishes the initial carrying value of assets as their value at date of death for inventoried assets, date of receipt for subsequent receipts and cost for investments.

Carrying value would not normally be adjusted for depreciation.

Except for adjustments that occur normally under the accounting system in use, carrying values should generally be continued unchanged through successive accounts and assets should not be arbitrarily “written up” or “written down.” In some circumstances, however, with proper disclosure and explanation, carrying value may be adjusted.

Illustrations:

4.1 Carrying values based on date of death may be adjusted to reflect changes on audit of estate or inheritance tax returns.

4.2 Where appropriate under applicable local law, a successor fiduciary may adjust the carrying value of assets to reflect values at the start of his administration.

4.3 Assets received in kind in satisfaction of a pecuniary legacy should be carried at the value used for purposes of distribution.

Though essential for accounting purposes, carrying values are commonly misunderstood by laymen as being a representation of actual values. To avoid this, the account should include both current values and carrying values.

The value of assets at the beginning and ending of each accounting period is necessary information of the evaluation of investment performance. Therefore, the account should show current values at the start of the period for all assets whose carrying values were established in a prior accounting period.

Illustrations:

4.4 The opening balance of the first account of a testamentary trustee will usually contain assets received in kind from the executor. Unless the carrying value was written up at the time of distribution (e.g., 4.2 or 4.3 supra) these assets will be carried at a value established during the executor's administration. The current value at the beginning of the accounting period should also be shown.

4.5 An executor's first account will normally carry assets at inventory (date of death) values or cost. No separate listing of current values at the beginning of the accounting period is necessary.

Current values should also be shown for all assets on hand at the close of the accounting period. The date on which current values are determined shall be stated and shall be the last day of the accounting period, or a date as close thereto as reasonably possible.

Current values should be shown in a column parallel to the column of carrying values. Both columns should be totalled.

In determining current values for assets for which there is no readily ascertainable current value, the source of the value stated in the account shall be explained. The fiduciary shall make a good faith effort to determine realistic values but should not be expected to incur expenses for appraisals or similar costs when there is no reason to expect that the resulting information will be of practical consequence to the administration of the estate or the protection of the interests of the parties.

Illustrations:

4.6 When an asset is held under circumstances that make it clear that it will not be sold (e.g., a residence held for use of a beneficiary) the fiduciary's estimate of value would be acceptable in lieu of an appraisal.

4.7 Consideration such as a pending tax audit or offer of the property for sale may indicate the advisability of not publishing the fiduciary's best estimate of value. In such circumstances, a statement that value was fixed by some method such as "per company books", "formula under buy-sell agreement", "300% of assessed value" would be acceptable, but the fiduciary would be expected to provide further information to interested parties upon request.

V. Gains and losses incurred during the accounting period shall be shown separately in the same schedule.

Commentary:

Each transaction involving the sale or other disposition of securities during the accounting period shall be shown as a separate item in one combined schedule of the account indicating the transaction, date, explanation, and any gain or loss.

Although gains and losses from the sale of securities can be shown separately in accounts, the preferred method of presentation is to present this information in a single schedule. Such a presentation provides the most meaningful description of investment performance and will tend to clarify relationships between gains and losses that are deliberately realized at the same time.

VI. The account shall show significant transactions that do not affect the amount for which the fiduciary is accountable.

Commentary:

Transactions such as the purchase of an investment, receipt of a stock split or change of a corporate name do not alter the total fund for which a fiduciary is accountable but must be shown in order to permit analysis and an understanding of the administration of the fund. These can be best shown in information schedules.

One schedule should list all investments made during the accounting period. It should include those subsequently sold as well as those still on hand. Frequently the same money will be used for a series of investments. Therefore, the schedule should not be totalled in order to avoid giving an exaggerated idea of the size of the fund.

A second schedule (entitled "Changes in Investment Holdings" in the Model Account) should show all transactions affecting a particular security holding such as purchase of additional shares, partial sales, stock splits, change of corporate name, divestment distributions, etc. This schedule, similar to a ledger account for each holding, will reconcile opening and closing entries for particular holdings, explain changes in carrying value and avoid extensive searches through the account for information scattered among other schedules.

Committee Comment: The Model Executor's Account and Model Trustee's Account published in connection with the above Report of the Fiduciary Accounting Standards Committee have been replaced by the Model Estate Account and Model Trust Account which appear in this Appendix.

Model Estate Account

IN THE COURT OF COMMON PLEAS OF _____ COUNTY, PA.
ORPHANS' COURT DIVISION
FILE NO. 98765

FIRST AND FINAL ACCOUNT OF
William C. Doe, Executor
For
ESTATE OF JOHN DOE, DECEASED

Date of Death: 11/14/05
Date of Incapacity, if any: None
Date of Executor's Appointment: 11/24/05
Date of First Complete Advertisement: 11/27/05
Accounting for the period: 11/24/05 to
11/30/06

Purpose of Account: The Executor offers this Account
to acquaint interested parties with the transactions
that have occurred during the Administration.

It is important that the Account be carefully examined.
Requests for additional information, questions or
objections can be discussed with:

[Name of Counsel]
[Address]
[Address]
[Phone Number]
Supreme Court I.D. No. _____

SUMMARY OF ACCOUNT

	<u>PAGES</u>		
<u>PRINCIPAL</u>			
Receipts	3-4	\$	160,488.76
Net Gain on Sales or Disposition	5		<u>2,662.00</u>
		\$	163,150.76
Less Disbursements:			
Debts of Decedent	6	\$	485.82
Funeral Expenses	6		1,375.00
Administration Expenses	6		194.25
Family Exemption	6		3,500.00
Federal, State & Local Taxes	7		5,856.83
Fees and Commissions	7		<u>11,689.64</u>
			<u>-23,101.54</u>
Balance before Distributions		\$	140,049.22
Distributions to Beneficiaries	8		<u>-52,630.00</u>
Principal Balance on Hand	9	\$	87,419.22
For Information:			
Investments Made	10		
Changes in Holdings	11		
<u>INCOME</u>			
Receipts	12	\$	2,513.40
Less Disbursements	13		<u>-178.67</u>
Balance before Distributions		\$	2,334.73
Distributions to Beneficiaries	14		<u>-2,334.73</u>
Income Balance on Hand		\$.00
COMBINED BALANCE ON HAND		\$	<u>87,419.22</u>
			=====
Verification	15		

PRINCIPAL RECEIPTS

Assets Listed in Inventory
(Valued as of Date of Death)

Real Estate

Residence 86 Norwood Road Philadelphia, PA	\$ 50,000.00
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Common Stocks

50 Shs. Best Oil Co.	5,000.00
1,000 Shs. Central Trust Co.	50,850.00
151 Shs. Electric Data Corp.	1,887.50
200 Shs. Home Telephone & Telegraph Co.	25,000.00
200 Shs. XYZ Corporation	6,000.00

Personal Effects

Furniture - 1 antique chair	55.00
Furniture - 1 antique highboy	2,000.00
Furniture - 1 antique side table	60.00
Jewelry - 1 pearl necklace	515.00

Mutual Funds

50 Shs. Fabulous Mutual Fund	1,833.33
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\$	143,200.83
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Cash in possession of decedent	42.54
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FORWARD	\$ 143,243.37
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PRINCIPAL RECEIPTS (cont'd)

FORWARD		\$	143,243.37
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First National Bank - checking account			516.93
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Prudent Savings Fund Society - savings account			2,518.16
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		\$	146,278.46
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ADJUSTMENTS TO INVENTORY

Increased value of common stock upon
audit of Federal Estate Tax Return

RECEIVED AS:

200 Shs. XYZ Corporation	\$	6,000.00	
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SHOULD BE:

200 Shs. XYZ Corporation		<u>10,000.00</u>	4,000.00
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SUBSEQUENT RECEIPTS

02/22/06 Proceeds of Sale - Best Oil Co. rights to subscribe received 02/15/06			50.00
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03/12/06 Fabulous Mutual Fund, capital gains dividend received in cash			32.50
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05/11/06 Refund of overpayment of 2005 U.S. individual income tax			127.80
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09/25/06 From Richard Rose, Ancillary Administrator, net proceeds on sale of oil and gas leases in Jefferson Parish, Louisiana			10,000.00
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TOTAL PRINCIPAL RECEIPTS		\$	160,488.76
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PRINCIPAL GAINS OR LOSSES ON SALES OR OTHER DISPOSITIONS

		<u>GAIN</u>	<u>LOSS</u>
02/07/06	100 Shs. Home Telephone & Telegraph Co.		
	Net Proceeds	14,025.00	
	Acquisition Value <u> 12,500.00</u>	\$ 1,525.00	
03/15/06	1,000 Shs. Central Trust Co.		
	Net Proceeds	27,467.00	
	Acquisition Value <u> 25,425.00</u>	2,042.00	
03/15/06	200 Shs. XYZ Corporation		
	Net Proceeds	9,000.00	
	Acquisition Value <u> 10,000.00</u>		\$ 1,000.00
05/21/06	35 Shs. Electric Data Corp.		
	Net Proceeds	530.00	
	Acquisition Value <u> 437.50</u>	92.50	
07/20/06	\$10,000 U.S. Treasury Bonds, 3% due 07/01/2009		
	Net Proceeds	10,000.00	
	Acquisition Value <u> 9,997.50</u>	2.50	
	TOTALS	<u>\$ 3,662.00</u>	<u>\$ 1,000.00</u>
		=====	=====
	NET GAIN TRANSFERRED TO SUMMARY		\$ 2,662.00
			=====

DISBURSEMENTS OF PRINCIPALDEBTS OF DECEDENT

01/25/06	John T, Hill, M.D. Professional services	\$	250.00	
01/25/06	Thomas Pharmacy Prescriptions			23.82
02/01/06	Sanders Hardware Purchases per bill dated 12/15/05			56.00
04/12/06	PA Department of Revenue Balance Final Life Period Income Tax		<u>156.00</u>	\$ 485.82

FUNERAL EXPENSES

01/10/06	Smith Funeral Home Services	\$	1,200.00	
02/15/06	Jones Memorials Grave marker		<u>175.00</u>	1,375.00

ADMINISTRATION EXPENSES

11/14/05	Register of Wills Probate fees	\$	72.00	
02/22/06	Henry Smith Appraisal of jewelry and antiques			50.00
11/16/06	Arden, Miles & Solomon Disbursements	\$	56.00	
	Various miscellaneous affidavits, registered mail, toll telephone charges and other costs		<u>16.25</u>	<u>72.25</u> 194.25

FAMILY EXEMPTION

05/15/04	Janet Doe			3,500.00
	FORWARD	\$	<u>5,555.07</u>	

DISBURSEMENTS OF PRINCIPAL (cont'd)

	FORWARD		\$	5,555.07
<u>FEDERAL, STATE & LOCAL TAXES</u>				
02/12/06	Register of Wills, Agent PA inheritance tax, payment on account	\$	2,105.26	
	Less 5% discount		<u>-105.26</u>	\$ 2,000.00
08/13/06	Register of Wills, Agent PA inheritance tax	\$	2,501.33	
	Less payment on account 02/12/06		<u>-2,105.26</u>	396.07
08/13/06	Internal Revenue Service Federal estate tax			2,663.29
11/15/06	Internal Revenue Service U.S. fiduciary income tax for fiscal year ending 07/31/06 (allocable to capital gains)			283.84
11/23/06	Internal Revenue Service Deficiency in Federal Estate Tax	\$	505.24	
	Interest 08/14/06 to 11/24/06		<u>8.39</u>	<u>513.63</u>
				5,856.83
<u>FEEES AND COMMISSIONS</u>				
11/16/06	Albert Schryver, Esq. Fee as Guardian ad litem	\$		375.00
11/16/06	William C. Doe Executor's compensation			6,314.64
11/16/06	Arden, Miles & Solomon Attorney's fees		<u>5,000.00</u>	<u>11,689.64</u>
	TOTAL DISBURSEMENTS OF PRINCIPAL		\$	<u>23,101.54</u> =====

DISTRIBUTIONS OF PRINCIPAL TO BENEFICIARIES

TO: Janet Doe, in satisfaction of gift
under Article FIRST of Will

12/01/05 Jewelry - 1 pearl necklace	\$	515.00	
12/01/05 Furniture - 1 antique highboy		2,000.00	
12/01/05 Furniture - 1 antique side table		60.00	
12/01/05 Furniture - 1 antique chair		<u>55.00</u>	\$ 2,630.00

TO: Janet Doe, in satisfaction of gift
under Article SECOND of Will

12/01/05 Residence 86 Norwood Road Philadelphia, PA			<u>50,000.00</u>
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TOTAL DISTRIBUTIONS OF PRINCIPAL TO BENEFICIARIES	\$	52,630.00	=====
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THE COURTS

PRINCIPAL INVESTMENTS MADE

02/01/06	\$10,000 U.S. Treasury Bonds, 3% due 07/01/2009	\$	9,997.50
09/14/06	\$40,000 U.S. Treasury Bills due 12/14/2006		<u>39,300.00</u>
TOTAL PRINCIPAL INVESTMENTS MADE		\$	49,297.50 =====

CHANGES IN PRINCIPAL HOLDINGS

		<u>ACCOUNT VALUE</u>
<u>Central Trust Co.</u>		
	1,000 Shs. Inventoried at	\$ 50,850.00
01/15/06	1,000 Shs. additional received in 2-1 split - par reduced to \$2.50	
		<u>0.00</u>
	2,000 Shs.	\$ 50,850.00
03/15/06	<u>1,000 Shs.</u> Sold	<u>-25,425.00</u>
	1,000 Shs.	\$ 25,425.00
=====		
<u>Electric Data Corp.</u>		
	151 Shs. Inventoried at	\$ 1,887.50
05/21/06	<u>35 Shs.</u> Sold	<u>-437.50</u>
	116 Shs.	\$ 1,450.00
=====		
<u>Home Telephone & Telegraph Co.</u>		
	200 Shs. Inventoried at	\$ 25,000.00
02/07/06	<u>100 Shs.</u> Sold	<u>-12,500.00</u>
	100 Shs.	\$ 12,500.00
03/30/06	100 Shs. additional received in 2-1 split - par reduced to \$5	
		<u>0.00</u>
	200 Shs.	\$ 12,500.00
=====		

RECEIPTS OF INCOMEBest Oil Co.

Dividend 50 Shs. 01/02/06 to 10/02/06	\$	20.00
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Central Trust Co.

01/15/06 - Dividend 2,000 Shs.	\$	600.00	
Dividend 1,000 Shs. 04/13/06 to 10/15/06		<u>900.00</u>	1,500.00

Electric Data Corp.

Dividend 151 Shs. 12/29/05 to 03/30/06	\$	30.20	
Dividend 116 Shs. 06/29/06 to 09/28/06		<u>23.20</u>	53.40

Fabulous Mutual Fund

Dividend 50 Shs. 03/14/06 to 09/12/06			140.00
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Home Telephone & Telegraph Co.

02/01/06 - Dividend 200 Shs. Dividend 200 Shs. 05/01/06 to 11/01/06 (after stock split)	\$	225.00	
		<u>450.00</u>	675.00

U.S. Treasury Bonds, 3% due 07/01/2009

06/29/06 - Interest \$10,000	\$	150.00	
Less: accrued interest paid on purchase 02/1/06		<u>-25.00</u>	<u>125.00</u>

TOTAL RECEIPTS OF INCOME	\$	2,513.40	=====
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DISBURSEMENTS OF INCOME

11/15/06 Internal Revenue Service	
U.S. fiduciary income tax for fiscal	
year ending 07/31/06	
(allocable to income)	\$ 53.00
 To be paid:	
William C. Doe	
Executor's income commission	
5% on \$2,513.40	<u>125.67</u>
 TOTAL DISBURSEMENTS OF INCOME	 \$ 178.67 =====

DISTRIBUTIONS OF INCOME TO BENEFICIARIES

TO: Sharon Doe

11/16/06 Cash \$ 1,167.36

TO: William C. Doe, Trustee under
Article FOURTH (A) for Walter Doe

11/16/06 Cash 1,167.37

TOTAL DISTRIBUTIONS OF INCOME TO BENEFICIARIES \$ 2,334.73
=====

William C. Doe, Executor of the
Will of John Doe, Deceased

VERIFICATION

WILLIAM C. DOE, Executor of the Will of JOHN DOE, Deceased, hereby declares under oath that he has fully and faithfully discharged the duties of his office; that the foregoing First and Final Account is true and correct and fully discloses all significant transactions occurring during the accounting period; that all known claims against the Estate have been paid in full; that, to his knowledge, there are no claims outstanding against the Estate; that all taxes presently due from the Estate have been paid; and that the grant of Letters Testamentary and the first complete advertisement thereof occurred more than four months before the filing of the foregoing First and Final Account.

This statement is made subject to penalties of 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities.

WILLIAM C. DOE

Dated: _____

THE COURTS

Model Trust Account

IN THE COURT OF COMMON PLEAS OF _____ COUNTY, PA.
ORPHANS' COURT DIVISION
NO. 12345 of 1994

FIRST AND FINAL ACCOUNT
For the "Marital Trust" Established under the Will of
John H. Doe, Deceased

Stated by UPSTANDING TRUST COMPANY, Surviving Trustee
and
Mary W. Doe (Deceased Trustee, Died December 30, 2004)
presented on her behalf by UPSTANDING TRUST COMPANY,
as Executor of her Will

John H. Doe, Died: 01/30/92
Date of First Receipt of Funds: 02/11/94
Accounting for the period: 02/11/94 to
06/15/06

Purpose of Account: The Trustees offer this Account to
acquaint interested parties with the transactions
that have occurred during the Administration.

It is important that the Account be carefully examined.
Requests for additional information, questions or
objections can be discussed with:

[Name of Counsel]
[Address]
[Address]
[Telephone Number]
Supreme Court I.D. No. _____

SUMMARY OF ACCOUNT

<u>PRINCIPAL</u>	<u>PAGES</u>		
Receipts	3	\$	158,259.02
Net Gain on Sales or Disposition	4-5		<u>114,749.47</u>
		\$	273,008.49
Less Disbursements:			
General Disbursements	6-7	\$	3,782.36
Fees and Commissions	7		<u>4,300.00</u>
			<u>-8,082.36</u>
Balance before Distributions		\$	264,926.13
Distributions to Beneficiaries	8		<u>-10,703.79</u>
Principal Balance on Hand	9	\$	254,222.34
For Information:			
Investments Made	10		
Changes in Holdings	11-13		
 <u>INCOME</u>			
Receipts	14	\$	7,755.20
Less Disbursements	15		<u>-72.40</u>
Balance before Distributions		\$	7,682.80
Distributions to Beneficiaries	16		<u>-1,400.19</u>
Income Balance on Hand	17	\$	6,282.61
 COMBINED BALANCE ON HAND		 \$	 <u>260,504.95</u> =====
 Verification	 18		

THE COURTS

PRINCIPAL RECEIPTS

Prior Award:

Assets Awarded trustees by Adjudication dated
 January 30, 1994, of Smith, J., upon the
 First Account of the Executors and the
 Schedule of Distribution pursuant
 thereto:

Real Estate

Premises 789 Main Street, Media, PA	\$ 10,000.00
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Bonds

\$7,000 Bethlehem, PA General Bonds 1.75% due 04/01/1995	6,965.00
\$20,000 Ohio Turnpike Commission Project One bonds, 3.25% due 06/01/2025	18,025.00

Common Stocks

352 Shs. American Telephone & Telegraph Co.	54,340.00
5 Shs. Southwest Rodeo Oil Co.	1.00
703 Shs. XYZ & Co.	67,663.75
	<hr/>
	\$ 156,994.75

Checking account, Upstanding Trust Co.	264.27
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	<hr/>
	\$ 157,259.02

SUBSEQUENT RECEIPTS

03/15/94 Adjustment of Sewer Assessment	1,000.00
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TOTAL PRINCIPAL RECEIPTS	<hr/>
	\$ 158,259.02
	=====

PRINCIPAL GAINS OR LOSSES ON SALES OR OTHER DISPOSITIONS

		<u>GAIN</u>	<u>LOSS</u>
07/02/94	103 Shs. XYZ & Co. Net Proceeds 25,614.54 Acquisition Value <u>9,913.75</u>	\$ 15,700.79	
04/06/95	100 Shs. XYZ & Co. Net Proceeds 22,226.25 Acquisition Value <u>9,625.00</u>	12,601.25	
07/11/95	5 Shs. Southwest Rodeo Oil Co. Company declared bankruptcy Net Proceeds 0.00 Acquisition Value <u>1.00</u>	\$	1.00
03/22/96	1,056 Rts. American Telephone & Telegraph Co. Net Proceeds 1,484.41 Acquisition Value <u>1,484.41</u>		
03/12/98	1,056 Rts. American Telephone & Telegraph Co. Net Proceeds 2,507.00 Acquisition Value <u>2,507.00</u>		
12/29/01	\$20,000 Ohio Turnpike Commission Project One bonds, 3.25% due 06/01/2025 Net Proceeds 18,450.00 Acquisition Value <u>18,025.00</u>	425.00	
05/05/05	2,112 Rts. American Telephone & Telegraph Co. Net Proceeds 1,225.49 Acquisition Value <u>1,225.49</u>		
06/19/05	500 Shs. XYZ & Co. Net Proceeds 56,337.21 Acquisition Value <u>1.00</u>	56,336.21	
08/09/05	\$50,000 Commercial Credit Co., demand note Net Proceeds 50,000.00 Acquisition Value <u>50,000.00</u>		
	FORWARD	\$ 85,063.25	\$ 1.00

THE COURTS

PRINCIPAL GAINS OR LOSSES ON SALES OR OTHER DISPOSITIONS (cont'd)

		<u>GAIN</u>	<u>LOSS</u>
	FORWARD	\$ 85,063.25	\$ 1.00
09/22/05	852 Shs. American Telephone & Telegraph Co.		
	Net Proceeds	39,503.92	
	Acquisition Value	<u>19,816.70</u>	19,687.22
11/17/05	Premises 789 Main Street, Media, PA		
	Sold receiving		
	Purchase Money Mortgage	\$15,000.00	
	Cash	5,000.00	
	Less: Settlement Costs	1,200.00	
	as itemized in Principal Disbursements		
	Net Proceeds	20,000.00	
	Acquisition Value	<u>10,000.00</u>	10,000.00
11/17/05	\$70,000 U.S. Treasury Bills due 11/19/2005		
	Net Proceeds	68,000.00	
	Acquisition Value	<u>68,000.00</u>	
06/15/06	Mortgage on 789 Main Street Media, PA		
	Principal received on account		
	Net Proceeds	250.00	
	Acquisition Value	<u>250.00</u>	
	TOTALS	<u>\$ 114,750.47</u>	<u>\$ 1.00</u>
	NET GAIN TRANSFERRED TO SUMMARY		\$ 114,749.47

DISBURSEMENTS OF PRINCIPAL

GENERAL DISBURSEMENTS

Federal Fiduciary Income Tax

04/15/05 1st Qtr. Estimated	\$	300.00	
06/15/05 2nd Qtr. Estimated		300.00	
09/15/05 3rd Qtr. Estimated		300.00	
01/15/06 4th Qtr. Estimated		300.00	
04/15/06 Balance 2005		172.00	
04/15/06 1st Qtr. Estimated		290.00	
06/15/06 2nd Qtr. Estimated		<u>290.00</u>	\$ 1,952.00

Pennsylvania Fiduciary Income Tax

04/15/05 1st Qtr. Estimated	\$	100.00	
06/15/05 2nd Qtr. Estimated		100.00	
09/15/05 3rd Qtr. Estimated		100.00	
12/30/05 4th Qtr. Estimated		100.00	
04/15/06 1st Qtr. Estimated		90.00	
05/15/06 Refund 2005		-27.00	
06/15/06 2nd Qtr. Estimated		<u>90.00</u>	553.00

05/15/05 Fire Insurance, 789 Main Street, Media, PA			50.00
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11/17/05 Expenses re Sale of Premises 789 Main Street Media, PA:			
Commission	\$	1,000.00	
Transfer Tax		<u>200.00</u>	1,200.00

FORWARD			<u>\$ 3,755.00</u>
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THE COURTS

DISBURSEMENTS OF PRINCIPAL (cont'd)

FORWARD \$ 3,755.00

GENERAL DISBURSEMENTS (cont'd)

06/15/06 Reimbursement to Smith, Jones and Brown,
for Miscellaneous expenses, 02/11/06 to
date:

Postage and insurance	\$	26.21		
Telephone		<u>1.15</u>	<u>27.36</u>	\$ 3,782.36

FEES AND COMMISSIONS

To be paid:				
Smith, Jones and Brown				
Attorney's fees				<u>4,300.00</u>

TOTAL DISBURSEMENTS OF PRINCIPAL				\$ <u>8,082.36</u> =====
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DISTRIBUTIONS OF PRINCIPAL TO BENEFICIARIES

To: Mary W. Doe

07/01/94	\$7,000 Bethlehem, PA General Bonds 1.75%		
	due 04/01/1995	\$	6,965.00
07/02/94	Cash	<u>238.79</u>	\$ 7,203.79

To: Goodworks Charity

05/04/06	Advance distribution, cash		<u>3,500.00</u>
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TOTAL DISTRIBUTIONS OF PRINCIPAL TO BENEFICIARIES		\$	10,703.79
			=====

THE COURTS

PRINCIPAL BALANCE ON HAND

	<u>VALUE AT</u> <u>06/15/2006</u>	<u>FIDUCIARY</u> <u>ACQUISITION</u> <u>VALUE</u>
<u>Bonds</u>		
\$120,000 ABC Corp, demand note	\$ 120,000.00	\$ 120,000.00
\$20,000 Indiana Toll Rd. Comm. East/West Revenue Bonds, 3.5% due 12/01/2022	13,600.00	17,275.00
<u>Common Stocks</u>		
680 Shs. ABC Corp.	56,355.00	48,124.00
1,260 Shs. American Telephone & Telegraph Co.	57,015.00	29,306.40
<u>Mortgages</u>		
Mortgage on 789 Main Street Media, PA	14,750.00	14,750.00
	<u>\$ 261,720.00</u>	<u>\$ 229,455.40</u>
Checking Account, Upstanding Trust Co.	24,766.94	24,766.94
	<u>286,486.94</u>	<u>254,222.34</u>
TOTAL PRINCIPAL BALANCE ON HAND	\$ 286,486.94	\$ 254,222.34
	=====	=====

PRINCIPAL INVESTMENTS MADE

12/28/01	\$20,000 Indiana Toll Rd. Comm. East/West Revenue Bonds, 3.5% due 12/01/2022	\$	17,275.00
06/29/05	\$50,000 Commercial Credit Co., demand note		50,000.00
08/18/05	\$70,000 U.S. Treasury Bills due 11/19/2005		68,000.00
09/28/05	\$120,000 ABC Corp, demand note		120,000.00
09/28/05	Mortgage on 789 Main Street Media, PA		<u>15,000.00</u>
	TOTAL PRINCIPAL INVESTMENTS MADE	\$	270,275.00 =====

THE COURTS

CHANGES IN PRINCIPAL HOLDINGS

		<u>ACCOUNT</u>
		<u>VALUE</u>
<u>American Telephone & Telegraph Co.</u>		
	352 Shs. Awarded at	\$ 54,340.00
04/24/94	<u>704 Shs.</u> Rec'd in three for one split	<u>0.00</u>
	1,056 Shs.	\$ 54,340.00
03/22/96	1,056 Rts. to subscribe to additional stock sold	<u>-1,484.41</u>
	1,056 Shs.	\$ 52,855.59
03/12/98	1,056 Rts. to subscribe to additional stock sold	<u>-2,507.00</u>
	1,056 Shs.	\$ 50,348.59
06/22/98	<u>1,056 Shs.</u> Rec'd in two for one split	<u>0.00</u>
	2,112 Shs.	\$ 50,348.59
05/05/05	2,112 Rts. to subscribe to additional stock sold	<u>-1,225.49</u>
	2,112 Shs.	\$ 49,123.10
09/22/05	<u>852 Shs.</u> Sold	<u>-19,816.70</u>
	1,260 Shs.	\$ 29,306.40
=====		
<u>Premises 789 Main Street,</u>		
<u>Media, PA</u>		
	0 Uts. Awarded at	\$ 10,000.00
11/17/05	Sold receiving	<u>-10,000.00</u>
	Purchase Money Mortgage \$15,000.00	
	Cash 5,000.00	
	Less: Settlement Costs 1,200.00	
	0 Uts.	\$ 0.00
=====		

CHANGES IN PRINCIPAL HOLDINGS (cont'd)

		<u>ACCOUNT VALUE</u>
<u>Mortgage on 789 Main Street</u>		
<u>Media, PA</u>		
09/28/05	Mortgage received on sale of said premises	\$ 15,000.00
06/15/06	\$250 principal received on account	-250.00
		\$ 14,750.00
=====		
<u>XYZ & Co.</u>		
	703 Shs. Awarded at	\$ 67,663.75
07/02/94	103 Shs. Sold	-9,913.75
	600 Shs.	\$ 57,750.00
04/06/95	100 Shs. Sold	-9,625.00
	500 Shs.	\$ 48,125.00
07/09/97	0 Shs. 250 Shs. ABC Corp., received @ 47.6875 in one-half for one divestment distribution	-11,921.88
	500 Shs.	\$ 36,203.12
01/06/99	0 Shs. 180 Shs. ABC Corp received @ 79.00 in a 0.36 share of one divestment distribution	-14,220.00
	500 Shs.	\$ 21,983.12
01/04/00	0 Shs. 250 Shs. ABC Corp. received @ 96.0625 in a one-half for one investment distribution, normally \$24,015.62 of which the following was applied to account value	-21,982.12
	500 Shs.	\$ 1.00
06/19/05	500 Shs. Sold	-1.00
	0 Shs.	\$ 0.00
=====		

CHANGES IN PRINCIPAL HOLDINGS (cont'd)

		<u>ACCOUNT VALUE</u>
<u>ABC Corp.</u>		
07/09/97	250 Shs. Rec'd in distribution on 500 Shs. XYZ & Co.	\$ 11,921.88
01/06/99	<u>180 Shs.</u> Rec'd in similar distribution	<u>14,220.00</u>
	430 Shs.	\$ 26,141.88
01/04/00	<u>250 Shs.</u> Rec'd in similar distribution	<u>21,982.12</u>
	680 Shs.	\$ 48,124.00
06/15/06	0 Shs. 34 Shs. Received as a 5% stock dividend, transferred to income	<u>0.00</u>
	680 Shs.	\$ 48,124.00
=====		=====

RECEIPTS OF INCOME

Waiver of Income Accounting

An Income Accounting having been waived for the period from 02/11/1994 to 12/30/2004 by Upstanding Trust Company, Executor of the Will of Mary C. Doe, Deceased and from 12/31/2004 to 02/28/2006 by Goodworks Charity, a limited Accounting of Income follows:

02/28/06 Balance per last statement rendered	\$	1,773.25
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06/15/06 34 Shs. ABC Corp., 5% stock dividend @ \$79.00		2,686.00
--	--	----------

ABC Corp, demand note

03/15/06 Interest \$120,000	\$	520.00	
06/15/06 Interest \$120,000		<u>520.00</u>	1,040.00

ABC Corp.

03/08/06 Dividend 680 Shs.	\$	578.00	
06/08/06 Dividend 680 Shs.		<u>578.00</u>	1,156.00

American Telephone & Telegraph Co.

03/01/06 Dividend 1,260 Shs.	\$	296.10	
06/01/06 Dividend 1,260 Shs.		<u>296.10</u>	592.20

Indiana Toll Rd. Comm. East/West Revenue Bonds, 3.5% due 12/01/2022

06/01/06 Interest \$20,000			350.00
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Mortgage on 789 Main Street Media, PA

06/15/06 Interest			75.00
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Upstanding Trust Company Checking Account

03/31/06 Interest	\$	27.29	
04/30/06 Interest		27.04	
05/31/06 Interest		<u>28.42</u>	<u>82.75</u>

TOTAL RECEIPTS OF INCOME	\$	7,755.20	=====
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DISBURSEMENTS OF INCOME

06/15/06 Upstanding Trust Co.	
5% commission on income collected	
3/30/06 to 05/31/06	\$ 72.40
TOTAL DISBURSEMENTS OF INCOME	\$ 72.40
	=====

DISTRIBUTIONS OF INCOME TO BENEFICIARIES

To: Upstanding Trust Company, Executor
of the Will of Mary W. Doe, Deceased -
Income on hand as of 12/30/2004

03/12/05 Cash \$ 650.19

To: Goodworks Charity

06/15/06 Cash _____ 750.00

TOTAL DISTRIBUTIONS OF INCOME TO BENEFICIARIES \$ 1,400.19
=====

THE COURTS

INCOME BALANCE ON HAND

	VALUE AT 06/15/2006	FIDUCIARY ACQUISITION VALUE
	_____	_____
<u>Common Stocks</u>		
34 Shs. ABC Corp.	\$ 2,987.75	\$ 2,686.00
	_____	_____
	\$ 2,987.75	\$ 2,686.00
Checking Account, Upstanding Trust Co.	3,596.61	3,596.61
	_____	_____
TOTAL INCOME BALANCE ON HAND	\$ 6,584.36	\$ 6,282.61
	=====	=====

UPSTANDING TRUST COMPANY

By _____
 Walter Trust, Vice President
 Surviving Trustee under the
 Will of John H. Doe, Deceased

AND

UPSTANDING TRUST COMPANY

By _____
 Walter Trust, Vice President
 Executor of the Will of
 Mary W. Doe, Deceased Trustee

VERIFICATION

WALTER TRUST, Vice President of Upstanding Trust Company, Surviving Trustee under the Will of JOHN H. DOE and Executor under the Will of Mary W. Doe, Deceased Trustee under the Will of John H. Doe, hereby declares under oath that said Trustees have fully and faithfully discharged the duties of their office; that the foregoing First and Final Account is true and correct and fully discloses all significant transactions occurring during the accounting period; that all known claims against the Trust have been paid in full; that, to his knowledge, there are no claims now outstanding against the Trust; and that all taxes presently due from the Trust have been paid.

This statement is made subject to the penalties of 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities.

WALTER TRUST

Dated: _____

THE COURTS

Model Charitable Remainder Unitrust Account

IN THE COURT OF COMMON PLEAS OF _____ COUNTY, PA.
 ORPHANS' COURT DIVISION
 NO. 5678 OF 2006

FIRST ACCOUNT
 FOR THE TRUST ESTABLISHED UNDER DEED DATED JANUARY 1, 2001
 OF JOHN DOE AND JANE DOE, SETTLORS

STATED BY UPSTANDING TRUST COMPANY, TRUSTEE

Date of Deed:	01/01/01
Date of First Receipt of Funds:	01/01/01
Accounting for the period:	01/01/01 to 12/31/05

Purpose of Account: The Trustee offers this Account to acquaint interested parties with the transactions that have occurred during the Administration.

It is important that the Account be carefully examined. Requests for additional information, questions or objections can be discussed with:

[Name of Counsel]
 [Address]
 [Address]
 [Telephone Number]
 Supreme Court I.D. No. _____

SUMMARY OF ACCOUNT

	<u>PAGES</u>	
<u>PRINCIPAL</u>		
Receipts	3	\$ 10,649,000.00
Net Gain on Sales or Disposition	4	<u>138,618.87</u>
		\$ 10,787,618.87
Less Disbursements:		
Administration - Misc. Exp.	5	\$ 267,313.00
Transfers to Income	5	<u>2,127,000.00</u> -2,394,313.00
Balance before Distributions		<u>\$ 8,393,305.87</u>
Principal Balance on Hand	6	\$ 8,393,305.87
For Information:		
Investments Made	7	
Changes in Holdings	8-9	
<u>INCOME</u>		
Receipts	10-16	\$ 2,717,875.03
Less Disbursements	17	<u>-120,059.00</u>
Balance before Distributions		\$ 2,597,816.03
Distributions to Beneficiaries	18-19	<u>-2,597,118.60</u>
Income Balance on Hand	20	\$ 697.43
COMBINED BALANCE ON HAND		<u>\$ 8,394,003.30</u> =====
Unitrust Statement(s)	21-28	
Verification	29	

PRINCIPAL RECEIPTS

Received from John Doe and Jane Doe, Settlers, for the uses and purposes as set forth in their Deed of Trust dated January 1, 2001, consisting of:

Bonds

\$500,000 AT&T Corp., 4.25% due 07/01/2001	\$ 490,000.00
\$500,000 U.S. Treasury Bond, 3% due 10/01/2003	489,000.00

Common Stocks

25,000 Shs. Exxon Mobil Corp.	2,125,000.00
22,000 Shs. General Electric Co.	1,320,000.00
34,000 Shs. General Motors Corp.	2,550,000.00
15,000 Shs. Int'l Business Machines Corp.	1,875,000.00
20,000 Shs. Microsoft Corp	1,400,000.00
	<hr/> \$ 10,249,000.00
Cash	400,000.00

TOTAL PRINCIPAL RECEIPTS	<hr/> \$ 10,649,000.00 =====
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PRINCIPAL GAINS OR LOSSES ON SALES OR OTHER DISPOSITIONS

		<u>GAIN</u>	<u>LOSS</u>
07/01/01	\$500,000 AT&T Corp., 4.25% due		
	07/01/2001		
	Net Proceeds	500,000.00	
	Acquisition Value	<u>490,000.00</u>	
		\$ 10,000.00	
01/04/02	34,000 Shs. General Motors Corp.		
	Net Proceeds	2,255,981.00	
	Acquisition Value	<u>2,550,000.00</u>	
			\$ 294,019.00
07/01/02	5,000 Shs. Exxon Mobil Corp.		
	Net Proceeds	491,234.00	
	Acquisition Value	<u>425,000.00</u>	
		66,234.00	
12/22/02	10,000 Shs. General Electric Co.		
	Net Proceeds	895,786.00	
	Acquisition Value	<u>600,000.00</u>	
		295,786.00	
10/02/03	\$500,000 U.S. Treasury Bond, 3% due		
	10/01/2003		
	Net Proceeds	500,000.00	
	Acquisition Value	<u>489,000.00</u>	
		11,000.00	
03/15/04	4,000 Shs. Vanguard S&P 500 Index Fund		
	Net Proceeds	466,155.00	
	Acquisition Value	<u>421,064.84</u>	
		45,090.16	
11/15/04	10,000 Shs. Vanguard Long Term Bond Fund		
	Net Proceeds	149,885.00	
	Acquisition Value	<u>150,357.29</u>	
			472.29
12/15/05	500 Shs. Int'l Business Machines Corp.		
	Net Proceeds	67,500.00	
	Acquisition Value	<u>62,500.00</u>	
		5,000.00	
		<hr/>	<hr/>
TOTALS		\$ 433,110.16	\$ 294,491.29
		=====	=====
NET GAIN TRANSFERRED TO SUMMARY			\$ 138,618.87
			=====

DISBURSEMENTS OF PRINCIPAL

ADMINISTRATION - MISC. EXPENSES

Upstanding Trust Company

Trustee's Fees

03/30/01	\$	13,088.00		
06/30/01		13,125.00		
09/30/01		12,297.00		
12/30/01		13,045.00		
03/30/02		13,129.00		
06/30/02		13,155.00		
09/30/02		13,269.00		
12/30/02		13,400.00		
03/30/03		13,515.00		
06/30/03		13,532.00		
09/30/03		13,615.00		
12/30/03		13,718.00		
03/30/04		14,543.00		
06/30/04		14,618.00		
09/30/04		14,624.00		
12/30/04		14,655.00		
03/30/05		12,458.00		
06/30/05		12,516.00		
09/30/05		12,499.00		
12/30/05		<u>12,512.00</u>	\$	<u>267,313.00</u>
			\$	267,313.00

TRANSFERS FROM PRINCIPAL TO INCOME TO
SATISFY UNITRUST PAYOUTS

12/30/01		471,000.00		
12/30/02		448,000.00		
12/30/03		424,000.00		
12/30/04		400,000.00		
12/30/05		<u>384,000.00</u>		<u>2,127,000.00</u>

TOTAL DISBURSEMENTS OF PRINCIPAL

\$ 2,394,313.00
=====

PRINCIPAL BALANCE ON HAND

	<u>VALUE AT</u> <u>12/31/2005</u>	<u>FIDUCIARY</u> <u>ACQUISITION</u> <u>VALUE</u>
<u>Bonds</u>		
\$500,000 U.S. Treasury Bond, 3.5% due 01/01/2009	\$ 498,656.00	\$ 498,765.00
<u>Common Stocks</u>		
20,000 Shs. Exxon Mobil Corp.	1,936,589.00	1,700,000.00
12,000 Shs. General Electric Co.	998,787.00	720,000.00
14,500 Shs. Int'l Business Machines Corp.	1,965,632.00	1,812,500.00
20,000 Shs. Microsoft Corp	1,932,652.00	1,400,000.00
50,000 Shs. Xerox Corporation	791,564.00	775,345.00
<u>Mutual Funds</u>		
56,500 Shs. Vanguard Long Term Bond Fund	850,522.00	849,518.71
5,500 Shs. Vanguard S&P 500 Index Fund	616,654.00	578,964.16
	<u>\$ 9,591,056.00</u>	<u>\$ 8,335,092.87</u>
Upstanding Trust Company Money Market	58,213.00	58,213.00
TOTAL PRINCIPAL BALANCE ON HAND	<u>\$ 9,649,269.00</u>	<u>\$ 8,393,305.87</u>
	=====	=====

THE COURTS

PRINCIPAL INVESTMENTS MADE

01/06/02	66,500 Shs. Vanguard Long Term Bond Fund	\$ 999,876.00
01/06/02	9,500 Shs. Vanguard S&P 500 Index Fund	1,000,029.00
12/27/02	50,000 Shs. Xerox Corporation	775,345.00
12/29/02	\$500,000 U.S. Treasury Bond, 3.5% due 01/01/2009	<u>498,765.00</u>
TOTAL PRINCIPAL INVESTMENTS MADE		\$ 3,274,015.00 =====

CHANGES IN PRINCIPAL HOLDINGS

		<u>ACCOUNT VALUE</u>
<u>Exxon Mobil Corp.</u>		
	25,000 Shs. Received from Settlers	\$ 2,125,000.00
07/01/02	<u>5,000 Shs.</u> Sold	<u>-425,000.00</u>
	20,000 Shs.	\$ 1,700,000.00
=====		
<u>General Electric Co.</u>		
	22,000 Shs. Received from Settlers	\$ 1,320,000.00
12/22/02	<u>10,000 Shs.</u> Sold	<u>-600,000.00</u>
	12,000 Shs.	\$ 720,000.00
=====		
<u>Int'l Business Machines Corp.</u>		
	15,000 Shs. Received from Settlers	\$ 1,875,000.00
12/15/05	<u>500 Shs.</u> Sold	<u>-62,500.00</u>
	14,500 Shs.	\$ 1,812,500.00
=====		
<u>Vanguard Long Term Bond Fund</u>		
01/06/02	66,500 Shs. Invested	\$ 999,876.00
11/15/04	<u>10,000 Shs.</u> Sold	<u>-150,357.29</u>
	56,500 Shs.	\$ 849,518.71
=====		

CHANGES IN PRINCIPAL HOLDINGS (cont'd)

		<u>ACCOUNT</u>
		<u>VALUE</u>
<u>Vanguard S&P 500 Index Fund</u>		
01/06/02	9,500 Shs. Invested	\$ 1,000,029.00
03/15/04	<u>4,000 Shs.</u> Sold	<u>-421,064.84</u>
	5,500 Shs.	\$ 578,964.16
=====		

RECEIPTS OF INCOMEAT&T Corp., 4.25% due 07/01/2001

01/04/01 Interest \$500,000	\$	10,625.00	
07/04/01 Interest \$500,000		<u>10,625.00</u>	\$ 21,250.00

Exxon Mobil Corp.

02/14/01 Dividend 25,000 Shs.	\$	500.00	
05/14/01 Dividend 25,000 Shs.		500.00	
08/14/01 Dividend 25,000 Shs.		500.00	
11/14/01 Dividend 25,000 Shs.		500.00	
02/14/02 Dividend 25,000 Shs.		500.00	
05/14/02 Dividend 25,000 Shs.		500.00	
08/14/02 Dividend 20,000 Shs.		400.00	
11/14/02 Dividend 20,000 Shs.		400.00	
02/14/03 Dividend 20,000 Shs.		400.00	
05/14/03 Dividend 20,000 Shs.		400.00	
08/14/03 Dividend 20,000 Shs.		400.00	
11/14/03 Dividend 20,000 Shs.		400.00	
02/14/04 Dividend 20,000 Shs.		400.00	
05/14/04 Dividend 20,000 Shs.		420.00	
08/14/04 Dividend 20,000 Shs.		420.00	
11/14/04 Dividend 20,000 Shs.		420.00	
02/14/05 Dividend 20,000 Shs.		420.00	
05/14/05 Dividend 20,000 Shs.		420.00	
08/14/05 Dividend 20,000 Shs.		420.00	
11/14/05 Dividend 20,000 Shs.		<u>420.00</u>	8,740.00

General Electric Co.

01/17/01 Dividend 22,000 Shs.	\$	2,860.00	
04/17/01 Dividend 22,000 Shs.		2,860.00	
07/17/01 Dividend 22,000 Shs.		2,860.00	
10/17/01 Dividend 22,000 Shs.		2,860.00	
01/17/02 Dividend 22,000 Shs.		2,860.00	
04/17/02 Dividend 22,000 Shs.		2,860.00	
07/17/02 Dividend 22,000 Shs.		2,860.00	
10/17/02 Dividend 22,000 Shs.		2,860.00	
01/17/03 Dividend 12,000 Shs.		1,560.00	
04/17/03 Dividend 12,000 Shs.		1,560.00	
07/17/03 Dividend 12,000 Shs.		1,560.00	
10/17/03 Dividend 12,000 Shs.		1,560.00	
01/17/04 Dividend 12,000 Shs.		1,560.00	
04/17/04 Dividend 12,000 Shs.		1,560.00	
07/17/04 Dividend 12,000 Shs.		1,560.00	
10/17/04 Dividend 12,000 Shs.		1,560.00	
		<u>35,360.00</u>	<u>\$ 29,990.00</u>
FORWARD	\$		

RECEIPTS OF INCOME (cont'd)

FORWARD	\$	35,360.00	\$	29,990.00
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General Electric Co.(cont'd)

01/17/05 Dividend 12,000 Shs.		1,560.00		
04/17/05 Dividend 12,000 Shs.		1,560.00		
07/17/05 Dividend 12,000 Shs.		1,560.00		
10/17/05 Dividend 12,000 Shs.		<u>1,560.00</u>		41,600.00

General Motors Corp.

01/06/01 Dividend 34,000 Shs.	\$	1,700.00		
04/06/01 Dividend 34,000 Shs.		1,700.00		
07/06/01 Dividend 34,000 Shs.		1,700.00		
10/06/01 Dividend 34,000 Shs.		<u>1,700.00</u>		6,800.00

Int'l Business Machines Corp.

03/04/01 Dividend 15,000 Shs.	\$	1,950.00		
06/04/01 Dividend 15,000 Shs.		1,950.00		
09/04/01 Dividend 15,000 Shs.		1,950.00		
12/04/01 Dividend 15,000 Shs.		1,950.00		
03/04/02 Dividend 15,000 Shs.		1,950.00		
06/04/02 Dividend 15,000 Shs.		1,950.00		
09/04/02 Dividend 15,000 Shs.		1,950.00		
12/04/02 Dividend 15,000 Shs.		1,950.00		
03/04/03 Dividend 15,000 Shs.		1,950.00		
06/04/03 Dividend 15,000 Shs.		1,950.00		
09/04/03 Dividend 15,000 Shs.		1,950.00		
12/04/03 Dividend 15,000 Shs.		1,950.00		
03/04/04 Dividend 15,000 Shs.		1,950.00		
06/04/04 Dividend 15,000 Shs.		1,950.00		
09/04/04 Dividend 15,000 Shs.		1,950.00		
12/04/04 Dividend 15,000 Shs.		1,950.00		
03/04/05 Dividend 15,000 Shs.		1,950.00		
06/04/05 Dividend 15,000 Shs.		1,950.00		
09/04/05 Dividend 15,000 Shs.		1,950.00		
12/04/05 Dividend 15,000 Shs.		<u>1,950.00</u>		39,000.00

Microsoft Corp

02/08/01 Dividend 20,000 Shs.	\$	2,600.00		
05/08/01 Dividend 20,000 Shs.		2,600.00		
08/08/01 Dividend 20,000 Shs.		2,600.00		
11/08/01 Dividend 20,000 Shs.		2,600.00		
FORWARD	\$	<u>10,400.00</u>	\$	<u>117,390.00</u>

RECEIPTS OF INCOME (cont'd)

FORWARD	\$	10,400.00	\$	117,390.00
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Microsoft Corp
(cont'd)

02/08/02 Dividend 20,000 Shs.	2,600.00	
05/08/02 Dividend 20,000 Shs.	2,600.00	
08/08/02 Dividend 20,000 Shs.	2,600.00	
11/08/02 Dividend 20,000 Shs.	2,600.00	
02/08/03 Dividend 20,000 Shs.	2,600.00	
05/08/03 Dividend 20,000 Shs.	2,600.00	
08/08/03 Dividend 20,000 Shs.	2,600.00	
11/08/03 Dividend 20,000 Shs.	2,600.00	
02/08/04 Dividend 20,000 Shs.	2,600.00	
05/08/04 Dividend 20,000 Shs.	2,600.00	
08/08/04 Dividend 20,000 Shs.	2,600.00	
11/08/04 Dividend 20,000 Shs.	2,600.00	
02/08/05 Dividend 20,000 Shs.	2,600.00	
05/08/05 Dividend 20,000 Shs.	2,600.00	
08/08/05 Dividend 20,000 Shs.	2,600.00	
11/08/05 Dividend 20,000 Shs.	<u>2,600.00</u>	52,000.00

U.S. Treasury Bond, 3% due 10/01/2003

04/10/01 Interest \$500,000	\$	7,500.00	
10/10/01 Interest \$500,000		7,500.00	
04/10/02 Interest \$500,000		7,500.00	
10/10/02 Interest \$500,000		7,500.00	
04/10/03 Interest \$500,000		7,500.00	
10/01/03 Interest \$500,000		<u>7,500.00</u>	45,000.00

U.S. Treasury Bond, 3.5% due 01/01/2009

01/06/03 Interest \$500,000	\$	8,750.00	
07/06/03 Interest \$500,000		8,750.00	
01/06/04 Interest \$500,000		8,750.00	
07/06/04 Interest \$500,000		8,750.00	
01/06/05 Interest \$500,000		8,750.00	
07/06/05 Interest \$500,000		<u>8,750.00</u>	52,500.00

Upstanding Trust Company Money Market

02/01/01 Interest	\$	1,375.12	
03/01/01 Interest		1,122.22	
04/01/01 Interest		1,253.22	
05/01/01 Interest		998.32	

FORWARD	\$	4,748.88	\$	266,890.00
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RECEIPTS OF INCOME (cont'd)

FORWARD	\$	4,748.88	\$	266,890.00
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Upstanding Trust Company Money Market
(cont'd)

06/01/01 Interest	955.67
07/01/01 Interest	996.22
08/01/01 Interest	922.87
09/01/01 Interest	498.80
10/01/01 Interest	785.32
11/01/01 Interest	811.32
12/01/01 Interest	800.20
01/01/02 Interest	1,795.60
02/01/02 Interest	1,567.22
03/01/02 Interest	1,223.00
04/01/02 Interest	1,119.00
05/01/02 Interest	1,223.00
06/01/02 Interest	1,001.75
07/01/02 Interest	1,301.75
08/01/02 Interest	901.75
09/01/02 Interest	1,002.34
10/01/02 Interest	1,212.34
11/01/02 Interest	1,022.34
12/01/02 Interest	955.66
01/01/03 Interest	1,101.00
02/01/03 Interest	1,122.00
03/01/03 Interest	1,121.00
04/01/03 Interest	1,133.00
05/01/03 Interest	1,119.00
06/01/03 Interest	1,122.00
07/01/03 Interest	1,211.00
08/01/03 Interest	1,201.00
09/01/03 Interest	1,233.00
10/01/03 Interest	1,241.00
11/01/03 Interest	1,222.00
12/01/03 Interest	1,234.00
01/01/04 Interest	1,112.00
02/01/04 Interest	1,122.00
03/01/04 Interest	1,111.00
04/01/04 Interest	950.00
05/01/04 Interest	1,003.00
06/01/04 Interest	996.00
07/01/04 Interest	1,099.00
08/01/04 Interest	1,101.00
09/01/04 Interest	993.00
10/01/04 Interest	897.00
FORWARD	\$ 49,289.03
	\$ 266,890.00

RECEIPTS OF INCOME (cont'd)

FORWARD	\$	49,289.03	\$	266,890.00
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Upstanding Trust Company Money Market
(cont'd)

11/01/04 Interest		1,022.00		
12/01/04 Interest		998.00		
01/01/05 Interest		904.00		
02/01/05 Interest		997.00		
03/01/05 Interest		1,022.00		
04/01/05 Interest		1,012.00		
05/01/05 Interest		957.00		
06/01/05 Interest		1,040.00		
07/01/05 Interest		1,021.00		
08/01/05 Interest		1,012.00		
09/01/05 Interest		1,066.00		
10/01/05 Interest		921.00		
11/01/05 Interest		991.00		
12/01/05 Interest		<u>1,010.00</u>		63,262.03

Vanguard Long Term Bond Fund

02/04/02 Dividend 66,500 Shs.	\$	3,755.00		
03/04/02 Dividend 66,500 Shs.		3,821.00		
04/04/02 Dividend 66,500 Shs.		3,966.00		
05/04/02 Dividend 66,500 Shs.		3,884.00		
06/04/02 Dividend 66,500 Shs.		3,892.00		
07/04/02 Dividend 66,500 Shs.		3,921.00		
08/04/02 Dividend 66,500 Shs.		3,866.00		
09/04/02 Dividend 66,500 Shs.		3,904.00		
10/04/02 Dividend 66,500 Shs.		3,916.00		
11/04/02 Dividend 66,500 Shs.		3,924.00		
12/04/02 Dividend 66,500 Shs.		3,911.00		
01/04/03 Dividend 66,500 Shs.		3,922.00		
02/04/03 Dividend 66,500 Shs.		3,916.00		
03/04/03 Dividend 66,500 Shs.		3,945.00		
04/04/03 Dividend 66,500 Shs.		3,941.00		
05/04/03 Dividend 66,500 Shs.		3,933.00		
06/04/03 Dividend 66,500 Shs.		3,922.00		
07/04/03 Dividend 66,500 Shs.		3,922.00		
08/04/03 Dividend 66,500 Shs.		3,966.00		
09/04/03 Dividend 66,500 Shs.		3,961.00		
10/04/03 Dividend 66,500 Shs.		3,955.00		
11/04/03 Dividend 66,500 Shs.		3,960.00		
12/04/03 Dividend 66,500 Shs.		3,962.00		
01/04/04 Dividend 66,500 Shs.		3,855.00		
FORWARD	\$	<u>93,920.00</u>	\$	<u>330,152.03</u>

RECEIPTS OF INCOME (cont'd)

FORWARD \$ 93,920.00 \$ 330,152.03

Vanquard Long Term Bond Fund
(cont'd)

02/04/04 Dividend 66,500 Shs.	3,801.00	
03/04/04 Dividend 66,500 Shs.	3,812.00	
04/04/04 Dividend 66,500 Shs.	3,790.00	
05/04/04 Dividend 66,500 Shs.	3,780.00	
06/04/04 Dividend 66,500 Shs.	3,781.00	
07/04/04 Dividend 66,500 Shs.	3,766.00	
08/04/04 Dividend 66,500 Shs.	3,758.00	
09/04/04 Dividend 66,500 Shs.	3,741.00	
10/04/04 Dividend 66,500 Shs.	3,722.00	
11/04/04 Dividend 66,500 Shs.	3,716.00	
12/04/04 Dividend 56,500 Shs.	3,157.00	
01/04/05 Dividend 56,500 Shs.	3,044.00	
02/04/05 Dividend 56,500 Shs.	3,019.00	
03/04/05 Dividend 56,500 Shs.	3,044.00	
04/04/05 Dividend 56,500 Shs.	3,115.00	
05/04/05 Dividend 56,500 Shs.	3,111.00	
06/04/05 Dividend 56,500 Shs.	3,099.00	
07/04/05 Dividend 56,500 Shs.	3,111.00	
08/04/05 Dividend 56,500 Shs.	3,116.00	
09/04/05 Dividend 56,500 Shs.	3,115.00	
10/04/05 Dividend 56,500 Shs.	3,122.00	
11/04/05 Dividend 56,500 Shs.	3,132.00	
12/04/05 Dividend 56,500 Shs.	<u>3,121.00</u>	171,893.00

Vanquard S&P 500 Index Fund

04/05/02 Dividend 9,500 Shs.	\$ 3,756.00	
07/05/02 Dividend 9,500 Shs.	3,922.00	
10/05/02 Dividend 9,500 Shs.	4,015.00	
01/05/03 Dividend 9,500 Shs.	4,111.00	
04/05/03 Dividend 9,500 Shs.	4,221.00	
07/05/03 Dividend 9,500 Shs.	4,234.00	
10/05/03 Dividend 9,500 Shs.	4,311.00	
01/05/04 Dividend 9,500 Shs.	4,223.00	
04/05/04 Dividend 5,500 Shs.	4,111.00	
07/05/04 Dividend 5,500 Shs.	4,005.00	
10/05/04 Dividend 5,500 Shs.	4,055.00	
01/05/05 Dividend 5,500 Shs.	4,120.00	
04/05/05 Dividend 5,500 Shs.	4,234.00	
07/05/05 Dividend 5,500 Shs.	4,001.00	
10/05/05 Dividend 5,500 Shs.	<u>4,011.00</u>	61,330.00

FORWARD \$ 563,375.03

RECEIPTS OF INCOME (cont'd)

FORWARD \$ 563,375.03

Xerox Corporation

04/05/03 Dividend 50,000 Shs.	\$	2,500.00	
07/05/03 Dividend 50,000 Shs.		2,500.00	
10/05/03 Dividend 50,000 Shs.		2,500.00	
01/05/04 Dividend 50,000 Shs.		2,500.00	
04/05/04 Dividend 50,000 Shs.		2,500.00	
07/05/04 Dividend 50,000 Shs.		2,500.00	
10/05/04 Dividend 50,000 Shs.		2,500.00	
01/05/05 Dividend 50,000 Shs.		2,500.00	
04/05/05 Dividend 50,000 Shs.		2,500.00	
07/05/05 Dividend 50,000 Shs.		2,500.00	
10/05/05 Dividend 50,000 Shs.		<u>2,500.00</u>	27,500.00

Transfers from Principal to Income to Satisfy Unitrust Payouts

12/30/01	\$	471,000.00	
12/30/02		448,000.00	
12/30/03		424,000.00	
12/30/04		400,000.00	
12/30/05		<u>384,000.00</u>	<u>2,127,000.00</u>

TOTAL RECEIPTS OF INCOME \$ 2,717,875.03
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DISBURSEMENTS OF INCOME

Upstanding Trust Company

Trustee's Fees

03/30/01	\$	5,609.00	
06/30/01		5,715.00	
09/30/01		5,823.00	
12/30/01		5,912.00	
03/30/02		6,010.00	
06/30/02		6,211.00	
09/30/02		6,055.00	
12/30/02		6,234.00	
03/30/03		6,311.00	
06/30/03		6,312.00	
09/30/03		6,322.00	
12/30/03		6,335.00	
03/30/04		6,431.00	
06/30/04		6,455.00	
09/30/04		6,459.00	
12/30/04		6,466.00	
03/30/05		5,340.00	
06/30/05		5,342.00	
09/30/05		5,351.00	
12/30/05		5,366.00	
		<u>5,366.00</u>	\$ <u>120,059.00</u>

TOTAL DISBURSEMENTS OF INCOME

\$ 120,059.00

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DISTRIBUTIONS OF INCOME TO BENEFICIARIES

2001 Unitrust Payouts

Jane Doe			
03/30/01	\$	66,556.25	
06/30/01		66,556.25	
09/30/01		66,556.25	
12/30/01		<u>66,556.25</u>	\$ 266,225.00
John Doe			
03/30/01	\$	66,556.25	
06/30/01		66,556.25	
09/30/01		66,556.25	
12/30/01		<u>66,556.25</u>	<u>266,225.00</u> \$ 532,450.00

2002 Unitrust Payouts

Jane Doe			
03/30/02	\$	67,378.02	
06/30/02		67,378.02	
09/30/02		67,378.02	
12/30/02		<u>67,378.02</u>	\$ 269,512.08
John Doe			
03/30/02	\$	67,378.02	
06/30/02		67,378.02	
09/30/02		67,378.02	
12/30/02		<u>67,378.02</u>	<u>269,512.08</u> 539,024.16

2003 Unitrust Payouts

Jane Doe			
03/30/03	\$	68,486.86	
06/30/03		68,486.87	
09/30/03		68,486.86	
12/30/03		<u>68,486.87</u>	\$ 273,947.46
John Doe			
03/30/03	\$	68,486.87	
06/30/03		68,486.86	
09/30/03		68,486.87	
12/30/03		<u>68,486.86</u>	<u>273,947.46</u> 547,894.92

		<u>\$ 1,619,369.08</u>
FORWARD		

DISTRIBUTIONS OF INCOME TO BENEFICIARIES (cont'd)

FORWARD

\$ 1,619,369.08

2004 Unitrust Payouts

Jane Doe

03/30/04	\$	62,709.55	
06/30/04		62,709.55	
09/30/04		62,709.55	
12/30/04		<u>62,709.55</u>	\$ 250,838.20

John Doe

03/30/04	\$	62,709.55	
06/30/04		62,709.55	
09/30/04		62,709.55	
12/30/04		<u>62,709.55</u>	<u>250,838.20</u> 501,676.40

2005 Unitrust Payouts

Jane Doe

03/30/05	\$	59,509.14	
06/30/05		59,509.14	
09/30/05		59,509.14	
12/30/05		<u>59,509.14</u>	\$ 238,036.56

John Doe

03/30/05	\$	59,509.14	
06/30/05		59,509.14	
09/30/05		59,509.14	
12/30/05		<u>59,509.14</u>	<u>238,036.56</u> <u>476,073.12</u>

TOTAL DISTRIBUTIONS OF INCOME TO BENEFICIARIES

\$ 2,597,118.60

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INCOME BALANCE ON HAND

	VALUE AT 12/31/2005	FIDUCIARY ACQUISITION VALUE
	<u> </u>	<u> </u>
Upstanding Trust Company Money Market	\$ 697.43	\$ 697.43
	<u> </u>	<u> </u>
TOTAL INCOME BALANCE ON HAND	\$ 697.43	\$ 697.43
	=====	=====

THE COURTS

UNITRUST STATEMENT

Fair Market Value as of 01/01/2001

	<u>MARKET VALUE</u>
<u>Bonds</u>	
\$500,000 AT&T 4.25% due 07/01/2001	\$ 490,000.00
\$500,000 US Treasury Bond 3% due 10/01/2003	489,000.00
<u>Common Stocks</u>	
25,000 Shs. Exxon Mobil Corp.	2,125,000.00
22,000 Shs. General Electric Co.	1,320,000.00
34,000 Shs. General Motors Corp.	2,550,000.00
15,000 Shs. Int'l Business Machines Corp.	1,875,000.00
20,000 Shs. Microsoft Corp	<u>1,400,000.00</u>
	\$ 10,249,000.00
<u>Cash</u>	
Principal Cash	400,000.00
Income Cash	<u>.00</u>
Fair Market Value	\$ 10,649,000.00
Payout Rate	5.000%
2001 Unitrust Payout	\$ 532,450.00
Number of Payments per Year	4
Installment Amount	\$ 133,112.50
Paid as Follows:	
Jane Doe	50.000% \$ 66,556.25
John Doe	50.000% \$ 66,556.25

UNITRUST STATEMENT

Fair Market Value as of 01/01/2002

	<u>MARKET VALUE</u>
<u>Bonds</u>	
\$500,000 US Treasury Bond 3% due 10/01/2003	\$ 488,965.00
<u>Common Stocks</u>	
25,000 Shs. Exxon Mobil Corp.	2,460,000.00
22,000 Shs. General Electric Co.	1,461,321.00
34,000 Shs. General Motors Corp.	2,316,000.00
15,000 Shs. Int'l Business Machines Corp.	2,001,020.00
20,000 Shs. Microsoft Corp	<u>1,675,032.00</u>
	\$ 10,402,338.00
<u>Cash</u>	
Principal Cash	377,445.00
Income Cash	<u>700.28</u>
Fair Market Value	\$ 10,780,483.28
Payout Rate	5.000%
2002 Unitrust Payout	\$ 539,024.16
Number of Payments per Year	4
Installment Amount	\$ 134,756.04
Paid as Follows:	
Jane Doe	50.000% \$ 67,378.02
John Doe	50.000% \$ 67,378.02

THE COURTS

UNITRUST STATEMENT

Fair Market Value as of 01/01/2003

	<u>MARKET VALUE</u>
<u>Bonds</u>	
\$500,000 US Treasury Bond 3% due 10/01/2003	\$ 491,253.00
\$500,000 US Treasury Bond 3.5% due 01/01/2009	498,765.00
<u>Common Stocks</u>	
20,000 Shs. Exxon Mobil Corp.	1,853,265.00
12,000 Shs. General Electric Co.	975,895.00
15,000 Shs. Int'l Business Machines Corp.	1,991,897.00
20,000 Shs. Microsoft Corp	1,999,787.00
50,000 Shs. Xerox Corporation	797,841.00
<u>Mutual Funds</u>	
66,500 Shs. Vanguard Long Term Bond Fund	1,002,122.00
9,500 Shs. Vanguard S&P 500 Index Fund	<u>1,101,210.00</u>
	\$ 10,712,035.00
<u>Cash</u>	
Principal Cash	245,478.00
Income Cash	<u>384.87</u>
Fair Market Value	\$ 10,957,897.87
Payout Rate	5.000%
2003 Unitrust Payout	\$ 547,894.89
Number of Payments per Year	4
Installment Amount	\$ 136,973.72
FORWARD	<u>\$ 136,973.72</u>

UNITRUST STATEMENT (cont'd)

FORWARD \$ 136,973.72

Paid as Follows:

Jane Doe	50.000%	\$	68,486.86
John Doe	50.000%	\$	68,486.86

THE COURTS

UNITRUST STATEMENT

Fair Market Value as of 01/01/2004

	<u>MARKET VALUE</u>
<u>Bonds</u>	
\$500,000 US Treasury Bond 3.5% due 01/01/2009	\$ 497,888.00
<u>Common Stocks</u>	
20,000 Shs. Exxon Mobil Corp.	1,911,221.00
12,000 Shs. General Electric Co.	954,668.00
15,000 Shs. Int'l Business Machines Corp.	1,801,254.00
20,000 Shs. Microsoft Corp	1,852,325.00
50,000 Shs. Xerox Corporation	766,897.00
<u>Mutual Funds</u>	
66,500 Shs. Vanguard Long Term Bond Fund	997,898.00
9,500 Shs. Vanguard S&P 500 Index Fund	<u>988,787.00</u>
	\$ 9,770,938.00
<u>Cash</u>	
Principal Cash	267,098.00
Income Cash	<u>-4,508.05</u>
Fair Market Value	\$ 10,033,527.95
Payout Rate	5.000%
2004 Unitrust Payout	\$ 501,676.40
Number of Payments per Year	4
Installment Amount	\$ 125,419.10
FORWARD	<u>\$ 125,419.10</u>

UNITRUST STATEMENT (cont'd)

FORWARD \$ 125,419.10

Paid as Follows:

Jane Doe	50.000%	\$	62,709.55
John Doe	50.000%	\$	62,709.55

THE COURTS

UNITRUST STATEMENT

Fair Market Value as of 01/01/2005

	<u>MARKET VALUE</u>
<u>Bonds</u>	
\$500,000 US Treasury Bond 3.5% due 01/01/2009	\$ 498,656.00
<u>Common Stocks</u>	
20,000 Shs. Exxon Mobil Corp.	1,899,562.00
12,000 Shs. General Electric Co.	932,221.00
15,000 Shs. Int'l Business Machines Corp.	1,755,696.00
20,000 Shs. Microsoft Corp	1,856,665.00
50,000 Shs. Xerox Corporation	766,545.00
<u>Mutual Funds</u>	
56,500 Shs. Vanguard Long Term Bond Fund	847,838.00
5,500 Shs. Vanguard S&P 500 Index Fund	<u>544,500.00</u>
	\$ 9,101,683.00
<u>Cash</u>	
Principal Cash	424,698.00
Income Cash	<u>-4,918.45</u>
Fair Market Value	\$ 9,521,462.55
Payout Rate	5.000%
2005 Unitrust Payout	\$ 476,073.13
Number of Payments per Year	4
Installment Amount	\$ 119,018.28
FORWARD	<u>\$ 119,018.28</u>

UNITRUST STATEMENT (cont'd)

FORWARD \$ 119,018.28

Paid as Follows:

Jane Doe	50.000%	\$	59,509.14
John Doe	50.000%	\$	59,509.14

UPSTANDING TRUST COMPANY

By _____
Walter Trust, Vice President
Trustee under Deed dated January 1, 2001
of John Doe and Jane Doe, Settlers

THE COURTS

VERIFICATION

WALTER TRUST, Vice President of Upstanding Trust Company, Trustee under Deed dated January 1, 2001 of JOHN DOE and JANE DOE, Settlers, hereby declares under oath that said Trustee has fully and faithfully discharged the duties of its office; that the foregoing First Account is true and correct and fully discloses all significant transactions occurring during the accounting period; that all known claims against the trust have been paid in full; that, to his knowledge, there are no claims now outstanding against the Trust; and that no taxes are presently due from the Trust on account of its status as a charitable remainder unitrust.

This statement is made subject to penalties of 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities.

Walter Trust

Dated: _____

